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Vice President Ford receives a prototype of the new emblem of Federal service from CSC Chairman Hampton. The pin for his 30 years of service was presented at ceremonies commemorating the 91st anniversary of the Federal civil service.

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Article on pp. 5-9 from speech by Chairman Hampton at the 21st Annual General Assembly of the Assembly of Governmental Employees, Sept. 8, 1973, Lake Tahoe, Nev. Commentary on pp. 18 and 19 excerpted from address by Mr. Rosen at the 1973 International Conference on Personnel Administration, Nov. 27, 1973, Miami, Fla.

U.S. CIVIL SERVICE COMMISSION

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WORTH NOTING

☐ **ACHIEVEMENTS RECOGNIZED.** Eight individual employees of the Civil Service Commission, a university dean, the executive director of a municipal center in New England, and four groups of Commission employees were honored for exceptional achievements at ceremonies commemorating the 91st anniversary of the Federal civil service January 16. In addition, 144 Commission employees were honored for service ranging from 25 to 45 years.

Addressing length-of-service awardees, Commission Executive Director Bernard Rosen said, "Your dedicated, diligent, day-to-day efforts in working the merit system are the brick and mortar of competence and continuity that make the career civil service the foundation for honest and effective government."

The length of service award, he said, is a symbol of the part its wearer played in building that foundation.

Mr. Rosen also told CSC employees that they had helped "write another bright page" in the history of both the merit system and the Civil Service Commission. "By your good work," he said, "you have demonstrated their continued vitality, you have emphasized the importance of their integrity, and you have underscored their necessity to our country and its people. As we move toward the centennial of the Commission and the merit system—with your continued fine efforts—I predict that the best is yet to come!"

☐ **ANNUITIES INCREASE.** A 5.5 percent cost-of-living increase became effective January 1 for 1.3 million Federal retirees and survivors. It is the first such increase to fall under the new Federal leave law (P.L. 93-136). Under the new law employees who serve beyond the effective date of a cost-of-living increase are entitled to an annuity at least as large as if they had retired before the effective date. The new law applies to all annuities beginning on or after July 2, 1973. The last previous increase became effective July 1.

☐ **NEW FILM** available. "The Dryden File," a 27-minute training film produced for the Civil Service Commission, dramatizes managerial pitfalls in handling an employee with deep-set problems such as alcoholism, drug abuse, or emotional disturbances. The

(Continued—See Inside Back Cover)

Vice President Ford is shown delivering the principal address at ceremonies commemorating the 91st anniversary of the Federal civil service. Ceremonies were at the State Department West Auditorium in Washington, D.C., on January 16, 1974. The full text of the Vice President's remarks appears on these pages.

"A strong career service is one of the greatest strengths of our democratic process"

Vice President Gerald R. Ford

IN TWENTY-FIVE YEARS of service in Washington, this is my first opportunity to address the employees of the Civil Service Commission. I hope it won't be the last, for I am very interested in what you are doing and in how well you are doing it.

I congratulate you on your 91st birthday, and I add my very sincere compliments to those who will be honored here today, for their achievements and for their service.

For me this is an opportunity to speak to every man and woman in the career civil service.

Underlying every remark I will make are two words: Thank you.

I am convinced that one of the best ideas the people of America have ever expressed, and one of the best acts ever to come out of the Congress, was the creation of a career civil service back in 1883.

I believe a strong career service is one of the greatest strengths of our democratic process, and one of the best guarantees of sound, effective, and efficient government—even more so in 1974 than in 1883.

It is unfortunate that the term "civil service" often conjures up the very opposite of what I am talking about, for in this enlightened world there are some who still equate civil service with security and routine.

To me, civil service has a much higher meaning.

It is a work environment for which top-notch people are selected on the basis of ability. A place where the *product* of one's hands is more im-

portant than the *color* of one's hands. A place where the work itself takes precedence over the sex of the person doing it. A place where service to the people transcends party labels. A place where the word "service" means exactly what it says.

To me, an old Navy veteran, civil service also means a taut ship steaming on a steady course. Whatever squalls and heavy swells may come, the ship rides steady and true.

When the Nation was confronted with the energy crisis, a new Government agency had to be created almost overnight. Drawing on the expertise and competence already available in the civil service, the Federal Energy Office was in business within 2 weeks.

In August of 1971 President Nixon decided to take quick action to curb runaway inflation. The Office of Emergency Preparedness had to have an explosive mobilization. Fifteen minutes after the President announced the price freeze, George Lincoln had the OEP regional directors on a conference telephone call.

"Tomorrow morning," he told them, "you will move out of your offices and open up in the biggest city in your region. GSA will provide space, and the Civil Service Commission will give you personnel from other agencies. You'll be ready for business Monday morning."

Within 60 hours OEP was operational in 10 regional offices. Within a week the network was expanded to include 360 IRS offices and 2,800 offices of the Agricultural Stabilization and Conservation Service. This meant better service to citizens outside major cities.

More than a decade ago, the United States was challenged to put a man on the moon before 1970—a task that strained science and technology to their outermost limits. It was done through a productive joint effort of Government and industry . . . and one of the men in charge, Robert Gilruth, had this to say: "Nowhere but in the Federal service could we have found the quality and quantity of talent required to carry out a mission of this size."

Or take the problem of highjackings. Of course, we might have one tomorrow—you never know. But to all intents and purposes, Government action with private followup has effectively clamped the lid on aircraft highjacking in the United States. What was the secret? Expertise already in Government, and rapid, excellent recruiting at a time when Sky Marshals were our need.

These are the kinds of "mission impossible" that never get into prime time on television. They become mission *possible* because we have competent people in the civil service who can hit the ground running.

To me, civil service means tremendous knowledge and a great depth of understanding on the part of career people who have devoted their lives to government. You can take almost any type of legislation that comes before the Congress, and I can give you an example of how the knowledge of career people has provided information that made a given bill an even better law.

To me, from my new vantage point in the executive branch of government, civil service means a solid foundation of competence assuring that the mandate the voters have given the political leadership will be carried out.

These are some pretty generous words I have been using to portray and praise the civil service: competence . . . steadfastness . . . knowledge . . . dependability . . . responsiveness. Yet each one is deliberately chosen, and equally well deserved.

The people, the Congress, and the Presidency under Chester Alan Arthur can claim credit for starting a career civil service, and for a great deal of care and attention in seeing to it that the concept of a merit system of public employment became more than just a concept; that it became a living, breathing, producing arm of good government.

The transition from concept to reality is where the work came in—and here the credit belongs to the Commission itself—to the outstanding men and women who have served as Commissioners over the years, and to the career staff of the agency—past and present.

I am particularly aware of the achievements of the Commission during the last 5 years under Bob Hampton's splendid leadership in the areas of equal opportunity within the Federal service; the training and development of employees at all levels, from entry to executive level; the administration of the labor relations program; the strengthening of State and local government through the intergovernmental personnel program; the improvements in management in all Federal agencies through evaluation of their manpower management programs; and the program for the employment of Vietnam-era veterans.

As a result of these activities, the environment of the Federal civil service now sets a good example for all employers. People are selected on the basis of ability. Equal opportunity is a way of life. People receive training, which will increase their ability to do better work. Employees have a voice in matters that affect them on the job. Excellence is encouraged, recognized, and rewarded. There is pride in accomplishment. The work is exciting, for it is worth doing.

In short, this is an environment in which the civil service has become more reliable, more efficient, more competent, and more responsive than before.

And there is awareness, on the part of elected leadership as well as on the part of the 2½ million men and women who comprise the civil service, that the service exists to carry out the programs that people expect of their national government. That, in the final sense, is what government in a democracy is all about.

So I salute the career civil service on its 91st birthday, and I extend best wishes to all career employees in the years ahead. You are doing a great job, and we thank you.

#

Legal Decisions

Woman and the Law II

In 1973 the Supreme Court of Florida, in *Shevin* v. *Kahn,* held constitutional a Florida statute exempting "widows" from taxation in the amount of $500 while making no such provisions for "widowers." That court noted that the classification made by the statute between widow and widower bore a fair relation to the object of the legislation, to "reduce the disparity between the economic . . . capabilities of a man and a woman." The United States Supreme Court has agreed to hear this matter in the coming term.

As we noted in the first article on woman and the law (*Journal,* Vol. 14, No. 2), the courts increasingly are scrutinizing any State action that serves to create classifications on the basis of sex, with the aim of determining whether a rational basis exists for such classifications. In the last issue, we discussed such classifications in terms of employment opportunities. The *Shevin* decision, however, illustrates judicial examinations of classifications on the basis of sex in areas peripheral to occupational opportunities.

This is how the courts have viewed some legislative attempts to regulate fringe benefits and related financial opportunities on the basis of sex-related classifications.

One area of contention has involved the opportunity for women to receive premium pay for overtime work. In a Missouri case, *Vogel* v. *Trans World Airlines,* a woman airline mechanic attacked the State statute prohibiting women from working more than 54 hours weekly. The court in noting that the policy was unlawful stated, "It is now well settled that industry-wide exclusions of employment opportunity for women are not in accordance with current Federal standards."

In making its decision, the court relied heavily on an earlier Georgia case in which a female employee of the telephone company had been prevented from becoming a switchman based partially upon a section of the Georgia code prohibiting women from occupying positions requiring the lifting of more than 30 pounds. That court had refused to accept an across-the-board weight limitation, noting that technique is as important a function of lifting as strength and "technique is hardly a function of sex."

Incidentally, another factor in the refusal of the telephone company to appoint a woman as switchman had been its argument that a switchman is subject to occasional late hour call-outs. The court gave this argument very short attention, noting that any woman who was unwilling to work at night would not apply for the job, that many jobs have unpleasant aspects that a given employee knows about and accepts as being worth holding the position, and that "Title VII [of the Civil Rights Act of 1964] rejects just this type of romantic paternalism as unduly Victorian and instead vests individual women with the power to decide whether or not to take on unromantic risks."

In a twist on the *Vogel* decision, plaintiffs in the California case of *Homemakers Inc. of Los Angeles* v. *Industrial Welfare Commission* brought suit contesting the validity of a California statute that required overtime premium pay to be paid only to female employees. The court found the statute to be invalid under Title VII provisions. The court further refused to rewrite the statute by extending to male employees the premium pay that the statute granted to female employees. That, concluded the court, would be an unwarranted usurpation of power that only resided in the legislature.

A related issue involves the question of seniority rights. In *Danner* v. *Phillips Petroleum Co.,* a female employee was fired as part of an economy measure. She contended that none of the female employees at Phillips had seniority or bidding rights. The company's explanation was that it was a policy not to give seniority and bidding rights to clerical employees because clerical jobs are not "unionized." The company also gave its nonunion employees who held "unionized" jobs the same benefits those employees would have if they were members of the union. Only the "roustabouts" were unionized and since there were no women "roustabouts," no women had seniority or bidding rights.

The court held that the company policy violated the prohibition against sex discrimination. Phillips had provided no business reason for excluding women as a class from certain company privileges that were available to men. The court also noted that the plantiff did many of the same tasks as the "roustabouts" who, in fact, took over her work after she was fired without obtaining the same privileges—a clear case of discrimination.

Similarly in another case, the plaintiffs claimed that a bakery limited its female workers to its lowest paying jobs in the cake department. Upon the discontinuance of that department, the plaintiffs were fired even though they had greater seniority than retained male employees of other departments, all because of seniority provisions in the collective bargaining agreement limiting an employee's relevant seniority to the department where he or she was working. The court held that the "present system of seniority favored male employees beyond the scope of business necessity."

In addition to the areas of overtime and seniority, the courts have struggled with allegations of sex discrimination in the operation of company pension plans. In one case, the court found invalid a company pension plan, which provided that a woman could retire on full pension at age 60 with 20 years of service, while a man

was required to reach age 65 and have 25 years of service.

In another decision, a company had a plan permitting retirement by males at age 65 and females at age 60. Early retirements were permitted, however, with benefits for females accrued at twice the rate as for males. This meant that females who retired early and had worked for the company for 11 years could receive 100 percent of their accrued benefits, while males of the same status could receive only 50 percent of their accrued benefits. The court found that the pension plan was an unlawful employment practice since the different treatment accorded males and females was not based upon bona fide occupational qualifications.

The military has continued to come under scrutiny for distinctions made on the basis of sex. The 9th Circuit has held that a Marine Corps rule discharging any female officer who became the step-parent of any child under 18 raised a constitutional question. A three-judge district court in the same circuit has found constitutionally invalid Federal statutes providing female officers a minimum tenure term of 13 years of commissioned service before mandatory discharge, while male officers have no such guarantee of tenure and are discharged on June 30 of the fiscal year in which they are not selected for promotion for the second time.

What is currently the hottest area regarding the question of sex discrimination is that of the disabilities surrounding pregnancy. During October 1973 the Supreme Court heard argument on two cases involving mandatory maternity leave for elementary school teachers. In *Cohen* v. *Chesterfield County School Board,* a Virginia case, at issue was a county rule requiring teachers to go on maternity leave at the end of the 5th month of pregnancy. The Court of Appeals for the 4th Circuit held:

"The regulation is not an invidious discrimination based upon sex. It does not apply to women in an area in which they may compete with men."

In *LaFleur* v. *Cleveland Board of Education,* an Ohio case, however, the Court of Appeals for the 6th Circuit held that a school board rule requiring unpaid absence during the last 5 months of pregnancy was an invalid classification based on sex. That court noted:

"Male teachers are not subject to pregnancy, but they are subject to many types of illnesses and disabilities. This record clearly indicates that pregnant women teachers have been singled out for unconstitutionally unequal restrictions upon their employment."

Other courts that have considered this question have split in their holdings. For example, courts in California, Colorado, Connecticut, and Kansas have invalidated such regulations, while a Texas court has found it reasonable. Further, an Alabama court did not take issue with a school board that fired a female teacher who had requested maternity leave incident to her pregnancy.

A case that has received a great deal of attention in the area of maternity benefits is *Aiello* v. *Hansen* in the Northern District of California. The California Unemployment Insurance Code exempted pregnancy-related work from the coverage of the State disability insurance program until 28 days after the termination of pregnancy. That program was designed to provide benefits to persons unable to perform their customary work because of physical or mental illness. The court concluded that pregnancy-related disabilities could not constitutionally be excluded solely because of the cost of adding these benefits.

In the court's view:

"The denial of benefits for pregnancy-related disabilities seems to have its roots in the belief that all pregnant women are incapable of work for long periods of time, therefore, they will submit large disability claims. The truth of this belief is necessarily suspect. . . . The treatment of pregnancy in other cultures shows that many of our society's views concerning the debilitating effects of pregnancy are more a response to cultural sex-role conditioning than a response to medical fact and necessity. . . . Thus the apparently solicitous attitude that pregnant women are in a 'delicate condition' has the effect that they often cannot earn an income or obtain the usual social welfare benefits for the unemployed. The only way to assure that this irrational result is not simply the product of mistaken stereotypical beliefs is to require, as the equal protection clause does, that *each pregnant woman be considered individually.*"

Finding that the "exclusion of pregnancy-related disabilities is not based upon a classification having a rational and substantial relationship to a legitimate State purpose," the court ordered the State to consider the plaintiffs for the benefits requested.

The cases discussed in the last *Journal* and on these pages provide just a sample of some of the discrimination on the basis of sex in employment cases that the courts have been considering. Most of these cases deal with discrimination by State and local governments or in the private sector.

Although earlier Executive orders had provided that Federal employees were to be free from discrimination on the basis of "race, color, religion, sex, or national origin," it was only with the passage of the EEO Act of 1972 that Congress extended to Federal employees remedies against such discrimination through the administrative process and through the courts. At this early date, there have been few judicial decisions interpreting the rights of women in the Federal sector.

We anticipate some interesting decisions concerning women in Federal employment—both in terms of determining bona fide occupational qualifications and in terms of more subtle types of discrimination, which may prevent a woman from achieving her full potential within an agency and are much more difficult to prove.

—Sandra Shapiro

unionism & the public employee

a living testing ground for public service

by
ROBERT E. HAMPTON
Chairman
U.S. Civil Service Commission

IT IS A PLEASURE to be here to talk to a group of civil servants representing such a cross section of States and counties all across our country.

Such a talk is timely because I do not know of any problem more perplexing to the public administrator than the question of how best to deal with the major issues confronting public employee unionism at all levels of government.

First—to get the ground rules straight, I do not pretend to have all the answers, nor do I claim any special ability to predict the future. But I can reach some judgments based on the considerable experience of the Federal service in dealing with unions on a planned and systematic basis, and on observations of the State and local scene through the workings of the Intergovernmental Personnel Act.

Second—there are many different positions being stated today on what sort of system we should have to deal with the problems of public service unionism. However, too few practitioners, both union and management, are saying anything on the subject. That is why—this year—I am personally speaking to as many groups as I can to encourage more people who are directly involved in the practical problems to speak out

when it comes time to develop the methods, procedures, and machinery that will bind both public administrators and public employees alike.

In the Public Interest

In shorthand, the adversary system of the private sector may not be good enough to deal with the sensitive issues of the public sector, where the public interest is the primary concern of both parties and partisan politics colors the judgments of both sides.

While there are important differences between the nature and operations of the Federal Government and State and local governments, and diverse labor-management arrangements, we do have one thing in common—one of the most important elements—the public employee. We are all engaged in public service—and that service is rendered by the public employee.

Basic to any discussion of public service unionism is the fundamental right of the public employee to participate in the determination of personnel policies and practices that affect the conditions of employment on the job through his chosen representatives—be that a union or an employee association.

This was not always the case. In fact, there are some public administrators who still do not believe this right exists even if you show them the Executive orders, statutes, or whatever rule or law that says it is so—that is also part of the problem. Many people are just not convinced that public service unionism is here to stay and refuse to go about dealing with the issues.

The issues that confront us have to do with the extent of this employee participation and the principles and the procedures governing its exercise. There is no question we are in a period of great change and we can observe these issues as they develop in many different ways.

For example, under a new Washington State law voluntarism has been replaced by compulsion—based on group decision—in the matter of union membership. So Washington joins a growing list, to which Michigan, Minnesota, Montana, Vermont, and Rhode Island also have been added recently, in the movement to join or pay the collective representative.

Recently, the State of Minnesota opened the door to strike rights if the public employer chooses not to go the route of binding arbitration. And there are the strike rights previously granted, for example, in a number of other States—both large, such as Pennsylvania, and small, such as Montana and Hawaii. On the other hand, and equally of interest, there is the recent decision of the Pennsylvania Commonwealth Court limiting the right of school teachers to bargain in a number of areas considered to be inherent management rights.

All of which points up that with the great diversity of union-management arrangements at the State and local level, one can find examples to support his views on the issues, whichever side of the fence he happens to be on. Within reasonable bounds, this is good. There should be no monolithic approach to public employee labor relations. Let's take a look at some selected issues, and I'll venture some thoughts as to the direction in which we probably should be going.

Revision Of Regulations

Can we put on the public employee bargaining table the same range of bargainable matters as prevail in the private sector?

While my answer is "no," that answer is tempered by the belief that in most public bargaining—and this includes the Federal service—the public managers have overly restrict-

ed the scope of personnel policies and practices that should be opened to bilateral determination through the collective bargaining process.

As Chairman of the Federal Labor Relations Council, I have seen some situations where management has tried to hide behind regulations or the provisions of the Executive order rather than openly come forward and deal with the union proposal on its merits—or lack of merit—at the bargaining table. To me this is the wrong approach because in our system there are many things that cannot be put on the table because they are not even within the powers of the executive branch. So when there is an opportunity to bargain on an issue, it should be done.

In the Federal service, we're starting to do something about this. The Civil Service Commission, for example, recently revised parts of the Federal Personnel Manual, opening up the possibility of broadening the scope of bargaining by the elimination of unnecessary regulations.

We've learned that the public employer has to take a good, close look at the volumes of laws, rules, and regulations on employment matters that have accumulated over the years, and ask questions such as:

☐ Is this uniform requirement necessary?

☐ Is this particular employee right or benefit a hangover from the old days of paternalism—when public personnel managers were supposed to be the self-appointed representatives of the employees?

☐ Would the personnel policy matter be worked out better through the collective bargaining process?

If, as I have indicated, the scope of bargaining should be expanded, then it is imperative that both public managers and public unions acquire and apply a better understanding of their appropriate roles in bargaining. There are too many instances where managers have failed to understand fully the unique and special characteristics of the public service. The long-range public interest has sometimes been forfeited for the expediency of temporary labor peace.

Efficiency, costs, performance, mission accomplishment, management's capacity to make management decisions and to manage have to be accounted for to the public. And on the union side, there has been the tendency by some to act as though they were the public, with the right to impose their particular politico-social views on public agencies, and in some instances to seek to usurp management's role to manage.

There needs to be some very careful thinking about the need to achieve a sensible, rational balance between union and public employer interests within the unique environment of the public service. Among the factors to be considered are the budgetary process, the impact of collective agreements on taxation, the expression of the public will on personnel matters, legislative enactments, the monopoly character of many of the activities of government, and the need for uninterrupted essential services. These do tend to limit the scope, as well as the acceptability of bargainable matters; and who is to say that such limitations are not vitally necessary in the public interest.

After all, the very premise of government is that it exists to serve the people, not the employees or public managers or unions. Put in another context, a system of labor relations is not devised for the purpose of benefiting employees per se, or employers or unions. Rather a labor relations system is, or should be, a means for providing employee input in personnel policy decisionmaking through their chosen representatives. Such a system, to be truly effective, and in the public interest, must provide for employee dignity and well-being, protection from arbitrary decisions, and maintenance of management's ability to carry out its assigned mission . . . all with the overriding objectives of high standards of performance and efficient, effective administration of government.

The public, which must pay ever-increasing costs for the maintenance of government functions, cannot afford the luxury of jurisdictional disputes, "ownership of work" philosophies, or featherbedding.

The public has always had a proprietary interest in the public service and their confidence in it is something we should not lose sight of.

Continuity Of Operations

Let's take a look at another important issue—the right to strike in the public service.

I'm against it in principle. There must be continuity of government operations. But what if, as it is sometimes argued, the particular function is unimportant. Well, if it is not important to some of our citizens or the public welfare, then perhaps it shouldn't be a government function.

More to the point, however, is that the service is being performed because appropriate authority, presumably elected officials, has determined it is in the public interest for the government to perform the service. Moreover, those who argue for a public employee right to strike as in private industry tend to ignore that the conflict of forces in a strike in the private sector is essentially economic; in the public sector, the forces at work are basically political. Pub-

lic managers don't lose business during a strike. A strike succeeds to the extent that it hurts the public and, in turn, their political representatives. Finally, many forces are at work in the private sector that are tending to lessen the desirability, acceptability, and even the effectiveness of the right to strike.

Having said this, I proceed to acknowledge the claim of unions for a better balance of power with public employers, because otherwise they are, as they rightfully claim, limited in impact at the bargaining table. There has to be developed an acceptable substitute for the strike.

Experience with automatic or blind recourse to binding arbitration has not been totally satisfactory. For an arbitrator, without power of taxation or responsibility for his actions, to decree settlements beyond the capacity of the taxpayer to support can lead to backlash against government and public employees in the broadest sense. Such settlements already have led, directly or indirectly, to rejection of important bond issues.

Another example is the reaction to excessive pension settlements that place unbearable burdens on future generations. This, too, has led to backlash against the legitimate needs and desires of public employees.

Experimentation is greatly needed in the area of impasse resolution and combining of legislative, executive, and even judicial branches of government in determination of wages and conditions of employment.

The Wisconsin approach, which places representatives of the legislature at the bargaining table with executive branch managers in dealing with State employees, is worth careful evaluation. When the parties reach agreement, those matters requiring fiscal appropriations are jointly introduced in the legislature so that the public's elected representatives can take final action.

I think we have something pretty good in the Federal service; namely, the Federal Service Impasses Panel. This is a public body and has at its disposal an arsenal of weapons for resolution of disputes, with emphasis on fact-finding and related third-party processes, following mediation, as a mechanism for resolving negotiation impasse. The arrangement is rather new, and so far it is working and the prospects are encouraging.

Additional mechanisms are provided in the specific area of pay. The Congress has provided for an Employees Pay Council on white-collar pay, which engages in quasi-bargaining with the President's agents.

Provision is also made for an advisory committee of nongovernment officials who review union-management differences and make independent recommendations to the President.

Finally, the Congress remains in the picture in that it can in effect override any Presidential decision to implement wage increases not consistent with comparable private sector wages. On the blue-collar side a union-management committee is provided for, with an impartial chairman and heavy union input at all levels of the pay-setting process.

Qualitative Difference

Another issue relates to whether there is a qualitative difference in public employment.

My view is that there is. The systems that are evolving for structuring the relationships between unions and management are unquestionably mighty important. But our fascination with channels and procedures and rules shouldn't obscure our vision of the essential ingredient that is the heartbeat of any system of labor-management relationship, namely, the attitudes of the parties to each other and to the public institution they both serve.

Shouldn't we strive to avoid the adversary trappings that characterize much of the private sector? Public employees at all levels, who so often are the focal point of criticism by the citizens they serve, have nevertheless acquired a sense of dedication and identification with public purpose. We should cultivate this quality through a cooperative union-management relationship. This requires willingness on the part of management to be more candid and direct in its dealings with unions, and willingness on the part of unions to relinquish attempts, by direct action or excessive resort to third-party impasse procedures, to achieve undue involvement in certain vital managerial areas.

There is a fair amount of game playing in all of labor relations, and we expect the parties to press with conviction those bargaining proposals they believe to be right. But the game has to be focused on problem solving—reflecting the legitimate aspirations of employees and the paramount requirements of the public interest—and not on the demolition of the other side. Employees deserve good treatment, and so do the taxpayers. And a good bargain benefits both.

Voluntary Union Membership

An issue central to union interests is union security. This could be in the form of a union shop, agency

shop, "fair share" agency shop, dues check-off, or other arrangement that helps assure the union of a stable economic base. Frankly, this is a tough one for me. A financially unhealthy union doesn't make for healthy labor relations. The union needs money to do its job, particularly when the system requires that the union represent all employees in the bargaining unit equally and without discrimination as to union membership. Yet, on the other hand, should an employee be required to join an organization or pay a fee as a condition of public employment? I believe that public jobs should not be conditioned on external obligation, but that public management does have a responsibility to work out with the unions substantive arrangements for insuring union security within the framework of voluntarism. I do not pretend to know the ultimate answer.

Cohesive Management

Another important issue as public employee unionism continues to expand in the seventies is the training, authority, and treatment of supervisors and managers who must represent the public in dealing with organized employees. If bilateralism is to work effectively, management representatives all down the line must be part of a cohesive management team in understanding and applying the new system of personnel management. They must be treated equally and fairly; they must not be the forgotten category while executive-level management focuses its attention on organized employees.

Third Party Relationship

I could go on, because the issues are many, but I will confine myself to two more—the role of third parties and the relationship of collective bargaining to merit principles. Regarding third parties, I can speak with considerable personal insight, having served since its inception as Chairman of the Federal Labor Relations Council.

The Council, which is composed of the Secretary of Labor, the Director of the Office of Management and Budget, and the Chairman of the Civil Service Commission, is the highest authority on interpreting the Executive order governing labor relations in the Federal service.

About it, and its role, I am going to say only this—it fills a need, and that need is for some institutional mechanism, above the parties at the negotiation table, to interpret the program, to resolve disputes, and to recommend to the highest legislative or executive authority, where appropriate, changes in the rules governing the relationships between the parties. In the performance of this role, the third-party agency must be particularly responsive to the special needs and characteristics of the public service and the public interest.

Highlighting Merit Principles

I could well have highlighted merit principles in this discussion of issues because there is no question in my mind that they take precedence over anything that may be worked out in collective bargaining. However, I know your organization is as committed to merit principles as I am; furthermore, I don't really see a conflict, as long as we don't confuse merit principles with civil service procedures. Merit is basic to public employment policies, and if understood in this context by all parties concerned, is fully compatible with collective bargaining in the public service.

As I look ahead at the future of public unionism, I see a period of evolutionary change based on the practical experience of public jurisdictions that are a living testing ground for public service labor relations. I have trust in the wisdom, faith, and commonsense of labor and management in public jurisdictions, and in their capacity to develop systems that are responsive, ultimately, to the legitimate needs and interests of the individual employee and the individual citizen—for public service is providing service to people.

I just hope that the practitioners will begin to take a more active role in the development of the system and not leave it to others to do for us.

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THE FEDERAL EXECUTIVE INSTITUTE

by CHESTER A. NEWLAND, Director, Federal Executive Institute, CSC

WHEN the Federal Executive Institute was established in Charlottesville, Va., by Presidential order on May 9, 1968, its purpose was clear. As an interagency facility of the U.S. Civil Service Commission, it was created to serve the training and development requirements of high-level Federal executives, primarily at grade levels of GS-16 and above, or equivalent.

While its mission was clear, the development of programs to accomplish the Institute's purposes was uniquely challenging.

Select Clientele

Consider the clientele for whom programs and a learning environment were to be tailored. The Institute works primarily with the individual executives who number only one half of one percent of civil servants at the top of a civilian work force of 2.7 million. As the "admirals" and "generals" of the civil service, these executives fill responsible leadership positions in a multitude of specialized and general fields of governmental activity.

Most have been promoted to high leadership positions after successful service in highly specialized career fields, and over 80 percent are responsible for program management. All are successful individuals, faced with heavy responsibilities for the future of effective, democratic government in an age of high technology, rapid change, and social complexity.

Certainly, no "back to the drawing board" concept is permissible here. These men and women are highly competent, well-informed, and responsible; they are people with flexible, active minds. They do not require training in the ordinary sense.

During the Institute's first 5 years, it met much of the difficult challenge of executive education through an 8-week residential program that focused attention on national needs and priorities, the totality of the governmental system, and managerial processes. This experience provided opportunities for some breadth and depth in study by executives.

FEI capacity was limited, however, to a relatively small percentage of executives—a total of 240 to 300 each year in four or five 8-week sessions. Once established, some 1-week programs on important issues were added to extend FEI's service to the executive community.

New Programs

With five years of experience behind it, some major changes are planned in FEI programs scheduled for FY 1975. These changes are required largely because of the high turnover and mobility in executive ranks and because of a need for increased executive insight into their roles and the government's requirements for improved management. Institute programs now need to reach more executives, and they particularly need to serve present needs of persons who are entering executive levels of service for the first time.

FEI's new programs will provide greater diversity in offerings, and they will permit 40 percent more executives to be served annually in major courses at the Charlottesville facility.

The new programs at FEI in FY 1975 are these:

☐ Four sessions of a new 3-week Executive Leadership and Management Program, designed to serve the needs of Federal executives at the critical time of transition into positions at levels of GS-16 and above.

☐ Four sessions of a seven-week Senior Executive Education Program, designed like the present 8-week program with a wide array of options to meet varied educational needs of government executives.

☐ Eight 1-week courses focusing on single issues.

☐ FEI Alumni Follow-On Conferences for continuing education.

While these programs represent major changes to meet current executive development needs, they are firmly based in FEI's 5 years of experience in executive education. That experience teaches that education for executive leadership in the Federal service must be in touch with the

ON THE PAGE OPPOSITE is the entrance to the main building at the Federal Executive Institute in Charlottesville, Va. THIS PAGE, TOP, executives attending an FEI program get in some study time on their own; BOTTOM, a lecturer is shown in action before a group of executives in a class session.

hard realities of the political and administrative processes of democratic government.

There must be an appreciation that democracy in America is an essentially ambiguous process, in which goals and values can be realized in a multitude of different ways. Diffusion of responsibility is thus a most basic concept of administration.

Theory and Reality Linked

While this is sound theory, it is also congruent with reality, which is situationally complex and multi-dimensional to the point that concentrated power systems are technologically obsolete.

Training and development systems —most particularly for executives— cannot safely ignore these elementary conclusions derived from American experience. To manage successfully in government, executives must understand the realities of diffusion of power and responsibility and the growing emphasis on processes and on fluid, functional relationships in government organizations. They must be able to function effectively in systems of recognized interdependence —systems characterized by institutionalized, generated change.

In formulating executive training strategies, an essential task is to help participants share in this ambiguous, dynamic, exhilarating reality, and to avoid cutting learning off from it.

In some respects, the broader field of public administration has done just the opposite: separated itself for many years from mainstreams of American culture in order to escape ambiguities, and in an effort to achieve narrow efficiencies.

While efficiency is essential, major attention in executive education must be focused on goals, objectives, and priorities—on questions of effectiveness—doing the right things. When objectives are in focus, attention can be turned profitably to efficiency—doing things right.

To accomplish that, some study must be devoted to the classic areas of administrative management—budget, personnel, property, and information. But greater attention is needed to program/project management:

☐ Objective setting, planning, resource assembly, and priorities allocation.

☐ Program design, tracking, and evaluation.

☐ Personnel and organizational mobilization, actualization, coordination, and change.

Considering, then, this point of view, and the diversity found among the executives in attendance at FEI and their organizational milieus, educational objectives must be established and shared with *individual* executives.

In short, the learning process at FEI is very largely one of setting individual objectives, planning for their accomplishment, implementing individual learning programs, monitoring progress toward objectives, evaluating results, and formulating new or revised objectives. The aim of the Institute is to provide an open learning environment to facilitate that individual process of executive development.

Executive Effectiveness

To assist executives in this learning process, several criteria common to executive effectiveness have been identified as the basis of the Institute's curricula.

One category of these criteria deals with the environment of Federal executive effectiveness, that is, with national needs and goals and with the governmental system. The focus here is on social, political, and governmental forces . . . on public policies and missions . . . administrative organization, processes, and behavior . . . alternative organization and management models and behavior . . . and on Federal executive roles and executive manpower systems.

A second category of executive effectiveness criteria goes into management systems and processes, the executive-level managerial skills listed above.

A third category of effectiveness emphasized in FEI's curriculum focuses on the personal management skills of executives. Work in this area deals with self-assessment and self-renewal, leadership styles and skills, communication skills, counseling and coaching skills, and organization change and development skills.

The range of objectives that an executive can establish and accomplish in a given FEI program depends very much on the individual, but it is also determined by the length and design of the program. That is the reason for the increased diversity in Institute programs for FY 1975. Each of these major programs is described below.

Executive Leadership and Management Program

This new 3-week residential program is designed to serve developmental needs of the executive at the critical time of initial entry into a Federal Government position at a grade level of GS-16 and above (or equivalent positions in other pay systems). As contrasted with the longer Senior Executive Education Program, which provides opportunities for both breadth and depth of study in a wide variety of course options relevant to executive effectiveness, this program concentrates on a few dimensions of values, knowledge, and skills that are of the most crucial concern to individuals at the time of transition to executive ranks and in the early stages of high-level Federal Government responsibilities.

The principal focus of the program is on executive roles. Because of this orientation to transition problems and expectations of the executive, the course is open to executives only within 18 months after their movement into the supergrade ranks. Executives in both career and noncareer assignments are eligible, and special attention is given in this course to those executives who are either new to the Federal Government or making their first move into executive ranks after long-time Federal service.

From an institutional perspective, objectives of this program are:

☐ To acquaint new Federal executives with their roles—the expectations of them in their new positions

of Government leadership—and to provide them with knowledge of the resources available to help them in carrying out their responsibilities and in continuing their personal development.

☐ To acquaint new Federal executives with current and emerging concepts and practices in both administrative and program management in the Federal Government as they pertain to executive job performance.

☐ To acquaint new executives with the organization and processes of the Federal Government as they pertain to executive job performance.

☐ To assist individual executives in identifying their strengths and needs and in setting objectives for continued personal development on the job, with particular attention to management skills.

Basic components of this program are as follows:

Week One: Individual Assessment and Goal Setting; and Executive Roles and the Context of Public Administration Concepts and Practices.

Week Two: Executive Leadership Models and Behavior; and Federal Organization and Management Systems and Practices.

Week Three: Policy Program and Management Workshop Options—Program Management and Evaluation; Organizational and Personal Change; Administrative Management and Central Management-Agency Functions and Processes; Federal Institutions and Policy Processes; Interpersonal Effectiveness and Organizational Behavior; National Needs and Priorities Assessment; and Personal Role Assessment and Goal-Setting.

This program is scheduled four times during FY 1975: July 15-August 2, 1974; August 12-30, 1974; January 6-24, 1975; and January 27-February 14, 1975.

As in the case of the 7-week program, share sales will be allocated to agencies to cover costs of executive attendance at the Executive Leadership and Management Program. The charge for each share in the 3-week program for FY 1975 has been set

AT THE TOP is an aerial view of the FEI facilities, where executives can take advantage of first-rate residential programs of study—away from the pressures of their everyday responsibilities. ABOVE LEFT, the FEI provides food for thought, too. ABOVE RIGHT, sharing ideas in a relaxed setting is an important part of the learning process.

at $1,100, which will cover all costs associated with FEI attendance except for travel and a very small per diem for incidental personal expenses.

Senior Executive Education Program

The Senior Executive Education Program is designed to meet varied educational development needs of senior executives and new executives who have had extended experience in government or as executives outside the Federal service. The program is structured in a way that encourages:

☐ Exchange of learning from the diverse experiences of executives.

☐ Individual assessment of self and objective-setting.

☐ Both variety and depth in the study of specific topics of executive concern in the Federal Government—for example, the external and internal environment of Federal executive effectiveness, management systems and processes, and managerial skills.

☐ Self-renewal for experienced executives.

Basic components of this 7-week program are as follows:

Week One (Group and Individual Study): The Individual Executive—Self-Assessment and Objective-Setting.

Week Two (Workshops): The Individual Executive and Organizational Behavior—Leadership Models and Behavior and Executive Roles.

Weeks Three through Six (Seminars, Workshops, and Field Trips): The Individual Executive in Relation to (1) The Environments of Executive Effectiveness; (2) Management Systems and Processes; and (3) Personal Management Skills. A wide range of options for study is provided on such topics as Management by Objectives; Economics for Public Executives; The New Federalism and State and Local Government; Civil-Military Relations and Policymaking Processes; Decisionmaking in U.S. Foreign Policy; Blacks in America; Labor-Management Relations; Science and Technology Management; Organizational and Personal Development; Urban Problems; and Resources Policy and Management.

Week Seven (Group and Individual Study): Reassessment of Objectives and Results; National Needs and Priorities; and Planning for Applications of Learning on the Job.

This program is scheduled four different times in FY 1975: September 8-October 25, 1974; October 30-December 17, 1974; March 2-April 18, 1975; and May 4-June 30, 1975.

Selection criteria for executive participation in the program will remain the same as for the 8-week sequence currently offered. The program is designed for executives in grades GS-16 and above (or equivalent in other pay systems), with those in both career and noncareer assignments eligible. Occasionally GS-15's will be enrolled, but they will be examined by CSC's Bureau of Executive Manpower on a case-by-case basis, and an individual will be considered for enrollment only when a special executive development need exists in an agency and when the enrollment would improve the composition of the FEI session.

As in the past, shares will be allocated to agencies to cover costs of executive attendance at this program. The charge for each share in the 7-week Senior Executive Education Program for FY 1975 has been set at $2,500, which will cover all costs associated with FEI attendance except for travel and a very small per diem for incidental personal expenses. The tuition will cover program costs, reading materials, private bedroom, and all meals at FEI.

One-Week and Follow-On Programs

Eight 1-week residential courses are scheduled at the Federal Executive Institute for FY 1975. These courses are open both to FEI alumni and to others at GS-16 levels and above. Detailed announcements of these short courses are sent to each agency representative 6 to 8 weeks prior to the opening of a course, and descriptions of these courses are also included in the *FEI 1974-1975 Bulletin*. Nominations for the short courses are sent directly to the FEI Registrar.

SMALL WORKSHOPS promote a free exchange of thinking about the nature of executive roles—a fundamental ingredient of the FEI experience.

Short courses scheduled for FY 1975 are these: Organization Development and Multi-Team Building, offered twice, July 7-12, 1974, and April 20-25, 1975; Management by Objectives, offered twice, August 5-9, 1974, and June 23-27, 1975; Program Management and Evaluation, April 20-25, 1975; National Needs and Priorities, offered twice, August 5-9, 1974, and June 23-27, 1975; and a Top Management Seminar for GS-18's only, February 24-28, 1975.

FEI Alumni Follow-On Conferences at 2½ and 3 days are scheduled in Charlottesville for four dates during FY 1975. These conferences are intended to assist graduates of the Senior Executive Education Program in assessment of continued learning and in new goal-setting. In addition, an annual Executive Development Conference will be scheduled in Washington, D.C., in cooperation with the Bureau of Executive Manpower and the FEI Alumni Association, to provide opportunities for continued assessment and learning by graduates of all FEI programs.

FEI Directions in FY 1975

The FEI programs scheduled for FY 1975 are designed to serve a variety of needs of different Federal

Government agencies and the important executives who lead them. In an educational endeavor like FEI's, goals, objectives, and priorities need to be specified and shared. This is a difficult problem for FEI, however, because each executive comes from a different setting, brings a different set of background experiences and skills, views the world somewhat differently, and has different goals, learning objectives, and priorities.

The FEI approach to solving this problem has been to make the learning process a highly individualized one, whatever the program in which it occurs. Individual objectives and accomplishments are, of course, evaluated in terms both of agency needs and of the high expectations that a democracy has of those entrusted with public leadership. The great values of constitutional democracy—dignity of the person and a rule of law or reasonableness—run through all Institute activities. But ultimately, those most basic values, like the many government objectives that may help to sustain them, require sensitive and competent public leadership.

This is the requirement that has led to the important and high-priority effort of the Office of Management and Budget to upgrade the quality of leadership throughout the Government through executive development, an effort of which FEI is strongly supportive.

For it is here at FEI that the broad-scale concept of quality leadership is applied to the operative level of *individual* executives. Important as concepts may be, it is entirely clear that they have little value without the executive talents to carry them out. #

APPEALS DIGEST * APPEALS DIGEST

*Significant Decisions of the Board of Appeals and Review

Adverse Actions

Any and all reasons

The agency gave the appellee advance written notice on June 6, 1972, of its proposal to separate her because of inefficiency. On July 17 of that year the agency issued an "Interim Decision on Letter of Proposed Separation" and extended the notice period 90 days, during which time she would have the opportunity to improve her performance to an acceptable level. She was notified that a final decision would be issued at the end of this period.

On October 17, 1972, the Finance and Accounting Officer prepared a memorandum containing 10 examples of the appellee's "poor performance and attitude," all of which allegedly occurred during the 90-day period and were considered by the agency in its decision of October 26 to remove the appellee effective November 3, 1972.

Under the circumstances, the Board of Appeals and Review agreed with the Commission's first appellate level office that the action was fatally defective from a procedural standpoint since the advance notice failed to state "any and all reasons" for the proposed adverse action, as required by subpart B of part 752 of the Civil Service Regulations. Accordingly, the Board renewed the recommendation of the first appellate level office that the appellee be restored retroactively to her former position.

Veterans Readjustment Appointee

Appellant, who had received a Veterans Readjustment Appointment, was separated for failure to participate in a training program. He contended that his work as a card-punch operator was satisfactory and, therefore, his separation would not promote the efficiency of the service.

The Board noted that section 307.104 of the Code of Federal Regulations requires that agencies develop a training or educational program for each employee given a Veterans Readjustment Appointment, and that an employee holding such appointment serves subject to satisfactory performance of assigned duties and satisfactory participation in the training or educational program under which appointed. Since the appellant failed to fulfill the training requirements for the position to which he was appointed, the Board concurred in the finding of the Commission's first appellate level decision that the appellant's removal from the service was not arbitrary or unreasonable, but was for such cause as would promote the efficiency of the service.

Constitutional rights—Fifth Amendment

The appellant was removed on charges of misuse of Government-owned vehicles, and making false statements under oath and other false statements in matters of official interest. The first appellate level office found the charges were sustained and affirmed the removal.

On appeal, the appellant contended that the charge of misuse of Government-owned vehicles carried a penalty of not more than a 30-day suspension and that the primary cause of removal was the false statement he made to the Inspection Service relative to his misuse of a vehicle. He further contended that his statement to the Inspector was obtained under duress and in

violation of constitutional rights to remain silent. He cited *Kalkines* v. *U.S.*, 473 F.2d 1319, decided February 16, 1973, as a case in point.

The Board found no evidence to support appellant's contention that his statement to the Inspector was obtained by duress. The Board also found that the rule in *Kalkines* was not applicable to appellant's case because in *Kalkines* an agency investigation and a criminal investigation were being conducted simultaneously, and that Kalkines had refused to answer questions put to him during the agency investigation because of fear of subjecting himself to the possibility of self-incrimination.

The board found that the charges against the appellant did not relate to a criminal matter as they did in *Kalkines,* and therefore there was no risk of criminal prosecution. Furthermore, the appellant, unlike Kalkines, did not refuse to answer; rather, he answered falsely. The Board held that even if the appellant had a right to remain silent, he could not, with impunity, knowingly and willfully answer with a falsehood. Accordingly, the Commission's first appellate level was affirmed.

Equal Employment Opportunity

Back pay

The agency found that complainant had been discriminated against in the circumstances that led to his termination, and ordered his restoration with full back pay and other benefits. Complainant then appealed to the Board for additional corrective action in the form of payment of attorney's fees and monetary damages for mental suffering, and for a ruling that money earned by the complainant since his separation should not be deducted from the gross back pay awarded following his reinstatement.

The Board found that the relief requested by the complainant is not possible under the authority granted to the Board by 5 CFR 713.271. The amount of back pay was found to be a matter for resolution by the General Accounting Office.

Cancellation of complaint for failure to prosecute

The agency canceled a complaint for failure to prosecute because the complainant had not proceeded with the hearing without undue delay. The Board found that complainant had not been advised that his complaint might be canceled for failure to prosecute should he delay in pursuing his request for a hearing. The Board rescinded the decision and remanded the complaint for further processing, noting that the complainant should be afforded one final opportunity to have a hearing with the understanding that failure to cooperate in the matter might result in the cancellation of the complaint.

In this connection, the Board also noted section 713.220 of the Civil Service Regulations, which provides that instead of canceling a complaint for failure to prosecute, the complaint may be adjudicated if sufficient information is available in the record.

Sex discrimination

The complainant called her supervisor shortly before the beginning of her tour of duty and requested annual leave because her daughter was ill. Her foreman ascertained that the daughter had been ill for several hours and indicated to the employee that she should have made arrangements for the daughter's care. He further informed the employee that he already had three employees on leave and could not spare another, so he would not grant the leave. The employee was placed in an absent-without-leave status as a result of informing the supervisor that in any event she would not report for work.

Without success, the employee tried to have the foreman's superiors change his decision and grant her annual leave. She then filed a grievance and when the decision was not in her favor filed a complaint of discrimination on the basis of sex.

The complaints examiner found no evidence that the foreman's decision was based on the complainant's sex, but concluded that the foreman used "erroneous criteria" as a basis for denying the request for leave, and further recommended that the employee's time be charged to annual leave. The agency agreed with the complaints examiner that there was no discrimination, but rejected his recommendation.

The Board found that the evidence of record indicated the foreman granted leave to male employees under circumstances similar to those in which he denied leave to the complainant. Accordingly, the Board found that discrimination because of sex was shown, and ordered that the absence be charged against the employee's annual leave balance.

Not within purview of regulations

Complainant, a male who was terminated during his probationary period, filed a complaint alleging discrimination on the basis of sex. He contended that he was not terminated for the reasons given by the agency, but because he had rejected the homosexual advances of his supervisor. The agency rejected the complaint on the ground that it did not fall within the purview of Part 713 of the Civil Service Regulations or Executive Order 11478. The Board affirmed, noting that the matter described in the complaint does not constitute "sex discrimination" within the meaning of the EEO regulations.

Religious discrimination

The complainant, a GS-13, alleged that he was not selected for positions of Branch Chief, GS-14, and Assistant Division Chief, GS-15, because of his religion. He alleged that only persons of the Jewish religion were promoted in his division.

On the issue of discrimination, the Board found that the complainant was not qualified for the position of Assistant Division Chief because he had never served above the GS-13 level and regulations permitting two-step promotions were not applicable to his situation. With regard to complainant's nonselection for the position of Branch Chief, the Board found that the employee selected over the complainant for that position was the only Branch Chief of the Jewish religion out of 12 such positions, and that no evidence was developed to indicate that religion played any part in the selection process.

The complainant requested an open hearing, based on the court decision in *Fitzgerald* v. *Hampton* (U.S. Court of Appeals, D.C. Circuit, September 15, 1972). The examiner denied this request, and the complainant then declined to appear at the hearing he had originally requested. The Board found that regulations on processing complaints of discrimination limit attendance at hearings to persons determined by the Complaints Examiner to have a direct connection with the complaint and that the decision in *Fitzgerald* v. *Hampton* was not applicable to this type of appeal.

The complainant alleged that the agency did not permit him official time to pursue his complaint as required by EEO regulations. The Board found complainant was not denied any requested time for consultation with an EEO Counselor or to prepare and present a formal complaint. His request for time in which to consult with his representative following the filing of his complaint was denied based on the agency interpretation of appendix B, chapter 713, of the FPM. The Board found the agency interpretation of the regulations to be reasonable in that these regulations do not provide for official time for the purpose requested by the complainant, whose representative was not an employee of the same agency.

Reduction in Force

Improper application of reduction-in-force regulations

The agency determined that the appellant's position description did not accurately reflect the actual duties of the position and that the appellant was not qualified to perform such duties. The agency rewrote the position description and used reduction-in-force procedures to change the appellant to a lower grade. The Commission's first appellate level found no violation of the appellant's rights under reduction-in-force regulations.

The Board, however, found that if management changes an employee's duties or responsibilities and demotes him because of his demonstrated inadequacy in the position, the action is governed by part 752-B of the Civil Service Regulations. The Board reversed the Commission's first appellate level decision on the ground that the appellant's demotion under these circumstances was an improper application of the reduction-in-force regulations.

Assignment rights—reasonable offer

Appellant was given a career-conditional appointment to a P.L. 313 position. Some three years or so later, the agency determined that there was no longer sufficient work to warrant continuation of appellant's position (the position was part of a contract, renewable annually, between the United States and a foreign government). Accordingly, an adverse action under part 752-B of the regulations was initiated to accomplish separation of the appellant due to the abolishment of his position.

After it was determined during the agency appellate process that action under part 351 was more appropriate, the 752-B action was canceled and a reduction-in-force action under 351 was initiated.

The Board held that finding the part 752-B action inappropriate did not negate nor preclude the agency from taking a reduction-in-force action. Further, the Board found that the prior action was not a part of the present reduction-in-force appeal, and that the agency appellate file from the previous action had not been incorporated into the current reduction-in-force file.

Classification downgradings

The appellant was changed from the position of Construction and Maintenance General Foreman, WS-12, to Maintenance Foreman, WS-11. The first appellate level found that the latter position was correctly graded as WS-11 and that reduction-in-force procedures were properly applied. On appeal to the Board, the appellant contended that because the duties he performed in the WS-11 position were so similar to those he performed in the WS-12 position, the lower grade was inappropriate.

The Board sustained the appellant's contention, finding that the duties of the WS-11 position were substantially the same as those performed prior to the reduction in force. In such cases, where change to a lower grade occurs without a material change in duties performed, the higher grade position is not really abolished, and use of reduction-in-force procedures is improper. To support that finding, the decision cited chapter 351, subchapter 2-6a(1), of the FPM, which states that an agency cannot use reduction in force when a position is downgraded without a change in duties and when the downgrading results either from a correction of a classification error or from a change in the classification standards.

—*William P. Berzak*

Principles and *effectiveness* are two words of particularly high concern at this time.

People are concerned about principles and effectiveness in their government because of a crisis in confidence in our time which makes people distrustful and very doubtful of the credibility of their government.

For these reasons alone, it is important that we go back to basic principles—such as the merit principles in public employment—in an attempt to increase confidence in our public institutions and to improve delivery of services.

What do I mean when I talk about merit principles? I mean those six fundamental principles of sound personnel management set forth in the Intergovernmental Personnel Act that provided for:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills;
2. Equitable and adequate compensation;
3. Training employees as needed to assure high-quality performance;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose poor performance cannot be corrected;
5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed, and with proper regard for their privacy and constitutional rights as citizens; and
6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

There is nothing negative about these principles. They should make perfect sense to personnel professionals. They should be embraced as the essence of fairness and common sense by public managers. They provide a blueprint for sound personnel management and a keystone to effective government.

The Pendleton Act became law for our National Government 90 years ago, and similar laws at the State and local level have been enacted since that time. The primary thrust of these early laws was toward more integrity in government, better performance in government, and continuity in government.

Over the years, however, the basic relationship between merit principles and effective government has become blurred. There is insufficient understanding or acceptance by the public, by politicians, by managers, and yes, by too many personnel professionals, that merit principles, faithfully followed, are a great guarantee for good government—that is: honest and effective government.

It is an unfortunate fact that merit systems are viewed by many people as essentially negative and restrictive —they see merit principles as a series of "thou shalt nots." Too often this view from the outside is reflected and perpetuated from the inside—even by personnel practitioners who know better, or at least should.

Some public officials view the personnel procedures established to assure conformity with the "merit system" as restrictions and limitations on their own judgment and freedom to do their jobs. Managers who are of necessity forced to be results-oriented bridle under delays and so-called "red tape" associated with many "merit systems" operations.

And you know, there is some substance to these views, especially where defenders of merit confuse archaic trappings and procedures with the merit principles themselves. Unnecessarily restrictive and ineffective personnel administration has resulted in a serious lack of integrity in many personnel systems. We all know what I am referring to.

It centers around the widespread view that merit requirements are something to "get around." Not only is "beating the system" widely practiced—many seem to pride themselves on their ability to do so. And, in some instances, they are aided and abetted by personnel officers.

What such persons fail to recognize is that when they bend the merit principles to "beat the system"—they may also be violating the law and they are reflecting seriously on the credibility of the merit concept and the effective, fair operation of our democratic government.

When declinations are solicited to bring a favored candidate within reach on a certificate of eligibles, the solicitor is breaking the law. When a job description is tailored to the qualifications of an individual in order to *minimize* competition for the *real duties* of the job, the perpetrator is breaking the law. When a position description is deliberately overblown to raise the grade of a job—and thus the pay—the supervisor involved is breaking the law. All of these illustrate illegal acts . . . and condoning such practices undermines personnel management principles which are not only sound and workable but essential to honest and effective government!

Failures to take appropriate disciplinary action under merit principles are also serious infractions. Take the case of the supervisor or manager who fails to correct inadequate performance of a subordinate. Not only is he being unfair by not helping the employee to improve performance; if he tolerates inadequate performance, he is cheating the taxpayers who are not getting the performance their tax dollars pay for.

You can run through the range of personnel operations and find many other examples—failing to promote the best qualified . . . providing training opportunities for personal favorites who may not be the ones who should be given the training.

Each is a violation of merit principles. Each is unfair to taxpayers and employees. And inevitably the question arises: Should not the offenders be punished?

We need to help managers recognize that in personnel operations, public trust and public funds are involved every bit as much as in contracting—and that violations of personnel laws can bring severe penalties.

But it is not enough to play policeman and enforcer to insure integrity and accountability in public personnel management. We need to do much more than maintain vigilance for violations—we need to prevent them. To truly prevent them we need to make sure the personnel system is effective and that public managers understand and appreciate how they can benefit by following merit principles. We need to make them aware of the flexibilities legitimately available and, in fact, inherent in merit principles.

Certainly, the "shalt nots" of merit principles are important to help insure integrity and accountability in public personnel management. But that is only one side of the coin.

We need somehow to strike a balance—one that makes clear, on the one hand, that the maintenance of merit principles is essential to assure integrity and accountability in public personnel management; and, on the other, one that broadcasts the message, and demonstrates convincingly by our actions, that adherence to merit principles by managers will bring positive benefits in terms of operational effectiveness and accomplishment of mission.

So those of us with primary responsibility for preserving merit principles and insuring that we have effective public personnel systems have a vital operational, educational, and interpretive job to do.

We need to demonstrate and emphasize that the application of merit principles goes hand-in-hand with the basic objective of every responsible manager—to get his organization's work done as efficiently and effectively as possible.

Within the Federal Government we are taking actions to update and strengthen basic aspects of personnel administration. Perhaps one of the most significant things we are doing at the national level is installing and refining a system of management by objectives—a concept which has been defined as concentrating first on doing the right things and then doing things right. The purpose is to establish goals and objectives in the personnel management area which will facilitate the accomplishment of our national program priorities. We need to show our program managers that effective merit-based personnel management systems will help them accomplish *their* program objectives.

One of our basic objectives is to make a fundamental effort to reach the Federal manager, to convince him that his objectives can best be achieved through an effective, merit-based personnel system. For example, we are redirecting and intensifying our training for managers, to improve management of government programs by improving managers. In the process more managers will be made aware of the importance of effective personnel management as part of their overall management responsibilities. And they will focus on the merit of adhering to merit principles.

We are also working with top management in Federal agencies to improve their systems for personnel management evaluation. Here, we are stressing the linkage between evaluation of personnel management and organizational effectiveness and productivity.

And we are taking other actions to assure that managers are aware of their responsibilities for maintaining merit principles as well as the benefits that will accrue to them in the process.

Although merit principles and effective government may not be generally accepted as synonymous, my view is that they can and should be. I firmly believe that merit principles faithfully followed *are* our best guarantee of honest and effective government.

But, it is clear that we, as public personnel practitioners, have a big improvement and educational job to do to gain awareness and appreciation of this truth. It is also apparent that the message must be made loud and clear to those inside our systems before we can make believers of those outside.

There has always been a tendency to overlook "the people" side of the public service, but the plain fact of the matter is that people do make the difference. The work force determines how well governments do their job! Their ability and dedication can and does make the difference between success and failure.

When the Intergovernmental Personnel Act was signed into law in January of 1971 full recognition was given to this people factor by the enunciation of a national policy:

—That effective State and local government institutions are essential in the maintenance and development of the Federal system in an increasingly complex and interdependent society.

—That a national interest does exist in a high caliber of public service in State and local governments.

—And that the quality of public service at all levels of government can be improved by the development of merit-based personnel systems.

Our work is already underway, but to paraphrase Mr. Frost:

"The woods are lovely, dark and deep.
But we have promises to keep
And miles to go before we sleep."

It is a worthy cause we serve and it does warrant our best efforts!

Bernard Rosen

Bernard Rosen
Executive Director
U.S. Civil Service Commission

TRAINING DIGEST

New Publications and How To Get Them

The Civil Service Commission has issued several new publications that should be of interest to those who work in the personnel field, as well as to those whose activities require that they keep abreast of developments that affect personnel administration. Below is a sampling of these new offerings:

☐ *The Worker-Trainee Opportunities Operations Manual,* issued in October 1973, is designed to assist agencies in the development of a Worker-Trainee Opportunities program, a program to help agencies provide employment and developmental opportunities for disadvantaged persons. The manual includes information on recruitment, orientation, career counseling, career development plans, training, and evaluation. It has been distributed to personnel specialists, EEO specialists, and training officers. Additional copies are available upon request from the Office of Federal Equal Employment Opportunity, Upward Mobility Section, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415.

☐ *Executive and Management Training* provides descriptions and listings for over 100 training courses at the executive and managerial level being offered by the Commission in FY 1974. Copies may be obtained by contacting your nearest U.S. Civil Service Commission Regional Training Center or by writing to the Assistant Director for Training Operations, Bureau of Training, Room 7615, U.S. Civil Service Commission, Washington, D.C. 20415.

☐ The pamphlet, *Education for Public Management,* is designed for managers concerned with the development of potential executives. It provides a description of the Education for Public Management program, an interagency long-term (9 months) study program conducted in cooperation with nine leading universities. The description includes program features, nomination procedures, information about planning the study program, and post-training utilization. The pamphlet also lists the nine participating universities and gives a description of their individual programs. Copies are available from the Training Assistance Division, Room 7648, U.S. Civil Service Commission, Washington, D.C. 20415.

Model Course

The Commission's Bureau of Training has designed a course to teach trainers and others how to use Training Value Model I, which predicts the economic benefit to be derived as a result of performance improvements brought about by training. (For more detailed information about Training Value Models, see an earlier *Journal* article on "The Trainer as a Professional Manager," *Vol. 14, No. 1.*)

The new course will enable employee development specialists and analysts to apply the model to productivity-related problems in their own agencies. They will be equipped with the methodology to:

☐ Determine whether training will significantly improve employee proficiency.

☐ Provide the manager with necessary information to select the training that is potentially most cost-effective.

☐ Identify training-related cost benefits in achieving management goals such as increasing production, lowering unit cost, reducing error rates, and improving the quality of goods or services produced.

In order to produce the most effective results in CSC's nationwide training delivery system, the course will have two different configurations. When presented in Washington, D.C., participants will be permitted to return to their agencies for a period of 3 days to collect data for model analysis. A second version of the course, designed for field use, will omit this portion and will run for 5 straight days.

Regardless of the version of the course attended, each participant will be provided with a complete workbook that includes sections on general application, conditions for use, the model process, and participant exercises. For more details concerning this course, agencies may contact their nearest CSC Regional Training Center.

Training Support to Employees In Cooperative Education Programs

The authority agencies have to provide training support to employees serving in cooperative education programs has recently been expanded by Commission action.

Up to now, the support that agencies could provide under the Government employees training law to employees in such programs was limited in duration, with the exception of "co-op" employees preparing for scientific and engineering occupations for whom agencies could grant waivers of the limitation (provided they served under a career or career-conditional appointment or under a Schedule B appointment allowing for conversion to a competitive appointment). Otherwise, training support (in the form of tuition payments, for example) could not be extended for a period exceeding 1 full calendar year (approximately 3 academic semesters) because of a limitation on the amount of training in non-Government facilities allowable in any decade of an employee's service.

The expansion of agencies' authority to provide training support to employees in cooperative education programs was announced by FPM Letter 410-14, dated October 12, 1973. Under the new regulations issued with that letter, the authority of agencies to waive the 1-

year-in-10 limitation for "co-op" employees has been broadened to cover, in addition to employees described above, those who are:

☐ Preparing for other than scientific or engineering occupations.

☐ Serving under indefinite excepted appointments for the duration of their cooperative education programs (section 213.3102(q) of Schedule A).

The new Commission regulations state that agency waivers may not be used to support graduate education. They also require that agencies document their reasons for believing waivers would be in the public interest.

For employees serving under appointments that do not assure continued employment after completion of their cooperative education programs (those appointed under section 213.3102(q) of Schedule A), the new regulations require as a condition to receiving waivers of the 1-year-in-10 limitation that they agree to apply for permanent appointment in the agency providing the training support and that they accept such appointment if offered.

—Viola M. Pagos

a LOOK at LEGISLATION

Personnel legislation enacted by the 93d Congress between October 25, 1973, and the end of the first session, December 22, 1973 (see also* Journal, *Vol. 14, No. 2):

Classification

Public Law 93-176, approved December 5, 1973, provides for uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System, and removes the statutory 10-year limitation on appointments of executive secretaries of the boards.

District of Columbia

Public Law 93-198, approved December 24, 1973, provides for local self-government for the District of Columbia; election of a mayor and members of a District of Columbia Council; establishment by the Council, with the advice and assistance of the Civil Service Commission, of a separate merit system for District of Columbia employees; and exemption from provisions of the Hatch Act for Federal employees who are candidates for the offices of mayor or member of the Council.

Leave

Public Law 93-181, approved December 14, 1973, amends title 5, United States Code, to improve the administration of the leave system, primarily by authorizing payment for annual leave accrued but unused in the year in which employment is terminated; permitting employees, with certain exceptions, to use annual leave during the first 90 days of employment; under certain conditions allowing restoration of annual leave lost due to administrative error, sickness, or exigencies of the public business; allowing a former employee to submit a claim for annual leave lost because of administrative error; and allowing civilian Federal employees missing in action to receive payment for leave lost because of their missing status or to have such leave restored.

Life and Health Insurance

Public Law 93-160, approved November 27, 1973, provides that United States nationals who are Federal employees shall be extended the same life insurance and health benefits as are presently provided United States citizens employed by the Federal Government.

Pay

Public Law 93-200, approved December 27, 1973, amends the Bankruptcy Act, to remove the restriction on changes in salaries of full-time referees in bankruptcy.

Public Law 93-175, approved December 5, 1973, provides for salary increases for members of the police force of the Library of Congress by raising the grades from GS-5 through 10 to GS-7 through 11.

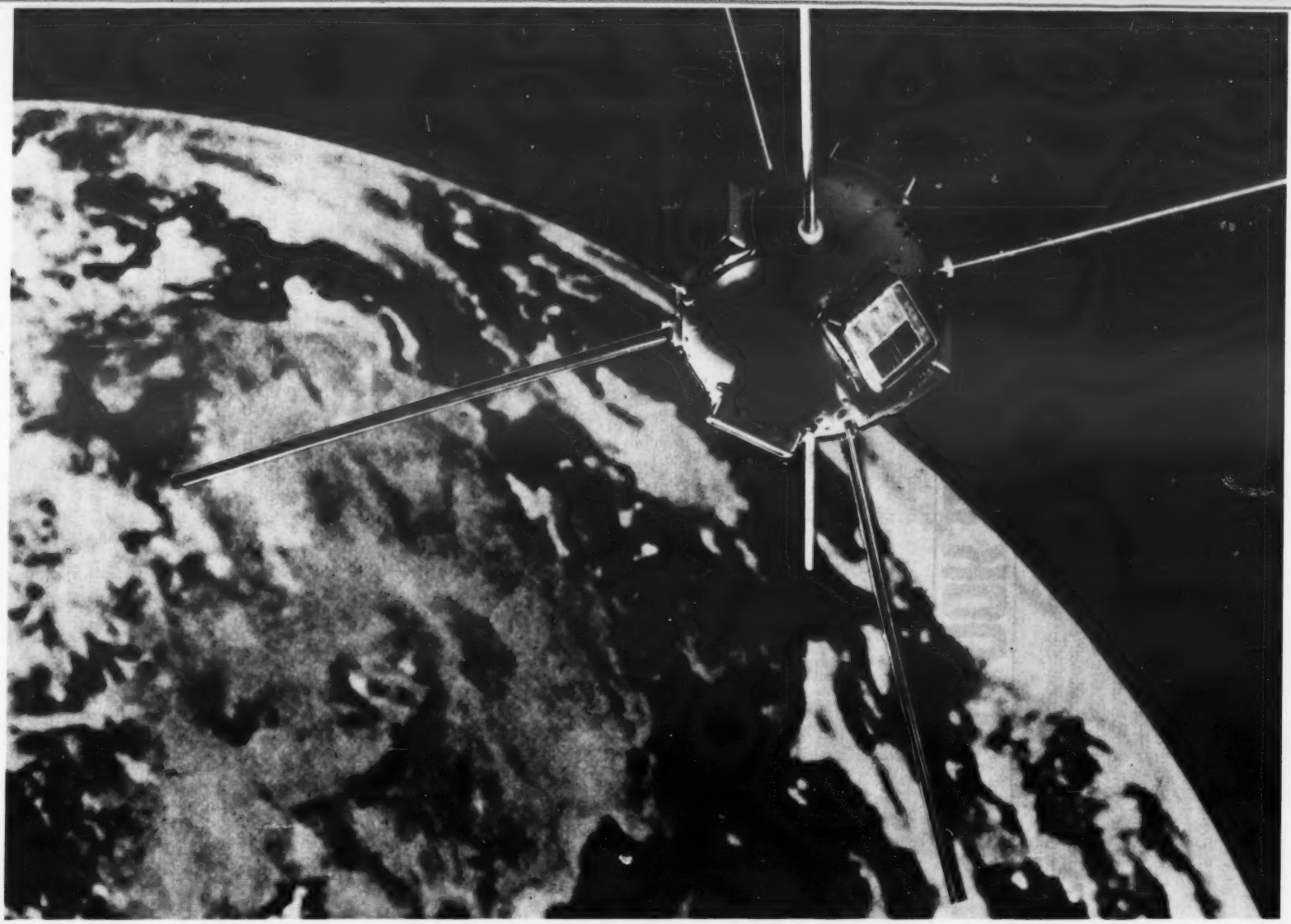
Supergrades

Public Law 93-179, approved December 11, 1973, establishes the American Revolution Bicentennial Administration and provides that the Administrator shall have the power to make not more than five appointments at the GS-16, 17, and 18 grade levels.

Training

Public Law 93-203, approved December 28, 1973, Comprehensive Employment and Training Act of 1973, provides for job training and employment opportunities for the economically disadvantaged, the unemployed, underemployed, and rehabilitated offenders; for special revenue sharing for a wide range of manpower programs, except that no funds shall be provided unless the program has adequate internal administrative controls, including personnel standards; and for a report to the President on the extent to which employment opportunities for offenders may be increased in the Federal service.

—Dorothy J. Mayo



THE NAVAL RESEARCH LABORATORY

Tomorrow's challenge today

by RICHARD H. BATURIN
Staff Writer/Editor
Public Affairs Office
Naval Research Laboratory

MORE than a decade ago, a group of Government chemists experimenting with a commercially developed resin found that if they baked a thin layer of it onto metal, nothing would stick to it. And it repelled water. That resin—tetrafluorethylen resin, to be technical—was subsequently marketed by the du Pont Corporation, and became better known as Teflon.

Today a number of home appliances are coated with this preservative, including of course the no-stick frying pan. Then there are its commercial uses on such equipment as safety valves, radio antennas, optical instruments, sporting equipment, boat motors, and automobiles.

Among the people to thank for this wonder material are the scientists of the Naval Research Laboratory who first revealed its potential.

Good Science, Good Management

These men and women of science —and those who manage the work of one of the world's great scientific organizations—have been in on the discovery of many such wonders during the short span of time NRL has been in existence. It was on July 2, 1973, that the Naval Research Laboratory celebrated just 50 years of operation, advancing the frontiers of science for the Navy and the Nation. Now in its 51st year, the laboratory can look back upon a proud history, even as it steams ahead into its next half-century of achievement.

The idea of establishing such a Navy research facility was conceived by the famous American inventor, Thomas Edison. In 1915, during an interview with a *New York Times Magazine* reporter, Edison said, "The

SHOWN ON THE PAGE OPPOSITE is NRL's *Vanguard I* satellite, the first solar energized satellite. Launched in March 1958, it is still orbiting earth and has become this planet's oldest man-made satellite. Its life expectancy is estimated now at 300 years. THIS PAGE, TOP, the comet camera used to photograph Comet Kohoutek on the final *Skylab* mission has the attention of (*l.* to *r.*) Dr. George Carruthers, the project's co-investigator, William Conway, project manager in charge of adapting the camera for the *Skylab* mission, and Alan Minthorne, project coordinator. BOTTOM, NRL relied upon this antenna for the first voice transmission and reception using the moon as a passive satellite relay.

Navy should have its own scientific staff to sift the ideas of our inventive nation."

Edison, Daniels, and the Banks of the Potomac

The need for such a research facility was recognized by Secretary of the Navy Josephus Daniels as World War I became increasingly imminent. In a personal letter, Daniels asked Edison to recruit a technical advisory group of leading scientists in various fields to draw up plans for such a laboratory. By October 1915 the Navy Consulting Board of the United States, headed by Edison, was formed.

Men and materials were needed to answer the immediate call at the outbreak of the war, however, and the laboratory plan was shelved until peace was restored.

After an incubation period lasting about 5 years, ground was broken on the banks of the Potomac in southwest Washington, D.C., in December 1920.

What is now known as the Naval Research Laboratory was formally dedicated as the Naval Experimental and Research Laboratory on July 2, 1923.

Edison's conception of the laboratory was oriented toward war, and its program during the formative years was geared primarily to discoveries related to America's defense capabilities.

The laboratory's research efforts since then have had effects reaching well beyond its original mission. Its achievements have contributed not only to the betterment of America's defense, but also the betterment and welfare of mankind. In fact, many of NRL's accomplishments designed to enhance the country's defense have found even wider uses in peaceful applications.

Discovery of Radar, Development of Sonar

In 1922—nearly a year before the laboratory was formally dedicated—a Navy radio pioneer, Dr. A. Hoyt Taylor, reported strange fluctuations in a radio signal as a ship passed between a transmitter and receiver placed on opposite banks of the Potomac.

These signals were actually the first radar-like detections reported in the United States. Taylor was a member of the group that was to form the nucleus of the laboratory the following year. He and his staff subsequently pursued this "sensing" capability of radio signals and within a dozen years had produced the first operational system of RAdio Detection And Ranging (RADAR) in the United States.

Established

July 2, 1923

50 Years of Science . . .

Air, Land, Sea, Space

Dr. Robert M. Page, a former Director of Research at the laboratory, forged an illustrious career in radar, which included construction of the world's first pulse radar for the detection of aircraft. He accepted an appointment at NRL in 1927—not long after the Laboratory's formal dedication—and only recently retired from Federal service.

During his years at NRL, Dr. Page received wide recognition for radar research and development, including the President's Award for Distinguished Federal Civilian Service in 1960. The holder of many patents in the radar field, he is also a noted authority on the history of its development.

Today radar is standard equipment on commercial as well as military ships and aircraft, and space exploration would be impossible without it. As a primary sensor for navigation and surveillance, it plays a major role in modern transportation. Recently NRL used its radar technology to detect and measure, from a moving aircraft, the presence and thickness of oil pollution at sea.

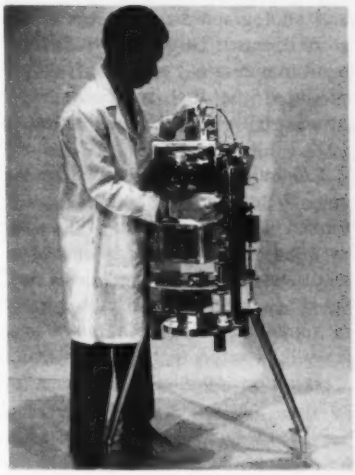
Not only is NRL credited with discovery of radar and the continuing development of its potential, the lab was also responsible for development of underwater sound transmission (sonar) under the direction of Harvey C. Hayes, another distinguished member of NRL's original research staff.

Surface-ship and submarine sonar reached a high level of development under Dr. Hayes' leadership during World War II, when enemy U-boat operations in the Atlantic were taking their toll of Allied war efforts at sea. And when German subs began to use torpedoes designed to "home" on the sound of a ship's engines and propellers, NRL developed devices that countered these deadly weapons.

List of Firsts Grows Through the Years

Countless life-saving developments have resulted from NRL research efforts. Among them are the only shark repellent ever found to be successful, which was developed in 1944 and is still in over-water survival kits, and the first application of sea markers for people adrift at sea. These markers, initially used in 1939, were responsible for saving the lives of more than 150 people during World War II.

Many pilots owe their survival to the many life-saving inventions developed at the laboratory. These include a fully automatic landing system for aircraft on aircraft carriers; the directional radio beacon, a continuous signal by which pilots can orient themselves; and the landing beam that brings aircraft safely to earth under zero-visibility conditions. In 1954 NRL solved the problem of fogging and icing of periscope head



windows, a system now used on all submarines.

The space age has felt the impact of the laboratory's life-saving work, too. For instance, NRL-developed life-support systems for submarines have led to the development of life-support systems for space travelers.

Back in the early days of flight, NRL radio men were responsible for the first successful flight of a pilotless plane in 1923, the year the Laboratory was formally dedicated. And in 1928 the lab maintained regular radio contact with Admiral Byrd's South Pole expedition and the ships delivering supplies to it. NRL also built the radio equipment used in the first aircraft to fly over the South Pole.

Lubricants, coatings, and fluids are important areas of study at NRL, areas in which the lab has been a major contributor. Moving parts in various types of machinery, as well as in nuclear-powered vessels, would burn themselves out too quickly if it weren't for "made-to-order" lubricants developed at NRL. In 1952 the first synthetic lubricant for aircraft gas turbine engines was developed here.

Of Space Ships and Comets

Three years before Sputnik, NRL scientists were credited with the first radio-voice signals reflected from the moon. Then in 1955 radio communication using the moon as a relay station was successfully accomplished

TOP LEFT, Dr. George Carruthers is shown with the moon camera he designed, which was modified for use in photographing Comet Kohoutek during the run of the final *Skylab* mission. TOP RIGHT, NRL-developed firefighting foam is used at all major airports throughout the world. IN THE CIRCLE is a demonstration of firefighting techniques using NRL-developed foam concentrates. ABOVE RIGHT, NRL specialists work with a total hydrocarbon analyzer used in closed atmospheres to determine the amount of toxic gases present. The first production model of the NRL-developed instrument was installed on a Navy submarine in 1970.

by NRL communications specialists.

During the last three NASA Apollo missions, there were NRL-developed solar radiation monitoring satellites (SOLRAD 9 and 10) circling the earth, on guard for any unusual solar disturbances that could endanger the lives of our astronauts on their way to the moon.

Another space first for which NRL has received worldwide recognition occurred on January 10, 1972, when Laboratory scientists released the first pictures ever taken of the effects of a massive eruption of the sun that spurted from the side of the sun facing away from the earth. A special camera called a coronagraph was on board an earth-orbiting solar observatory (OSO-7) at the time and recorded this historic event.

Experiments such as NRL's coronagraph are helpful in forecasting the sun's "weather." Such forecasts enable scientists to make more accurate predictions of the effects of solar storms on navigation and communications equipment on earth. NRL's coronagraph is still operating on the OSO satellite, ready to record other solar events as they happen.

One such solar event was the recent appearance of Comet Kohoutek, and NRL was there to record it with its far ultraviolet comet camera on board *Skylab*.

The comet camera is a modification of man's first moon-based space observatory, also developed by NRL and left on the lunar surface by the Apollo 16 astronauts in April 1973.

In addition to the comet camera, *Skylab* carried a number of NRL experiments to furnish significant data on Kohoutek. One of these, the Ultraviolet Airglow Horizon Photography Experiment, was developed by a team of NRL space scientists—Dr. Donald Packer and his wife Irene.

Other Areas of Leadership

Although medical research is not a prime study area at the Laboratory, NRL is credited with some major contributions in response to requests for assistance from medical authorities.

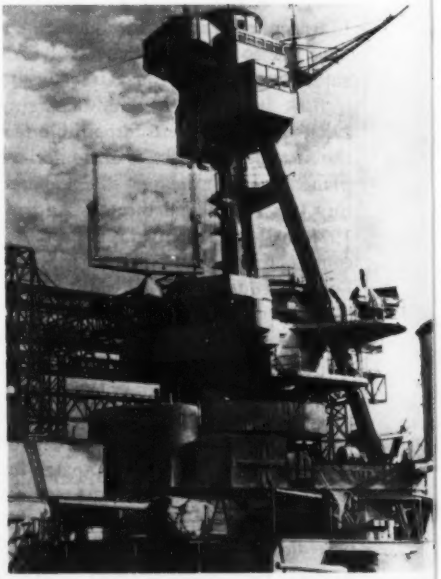
One was a heat exchanger, used in conjunction with existing oxygenators, which has made it possible to reduce the body temperature of heart surgery patients both quickly and safely. Another device developed at NRL is capable of monitoring the heartbeat of human embryos as early as 10 weeks after conception, to detect any abnormalities in the developing infant's circulatory system.

In 1962 scientists at the laboratory developed an instrument called a pilojector for the treatment of cranial blood clots. Several hundred lives have been saved through the surgical use of this invention. And on March 17, 1972, an NRL group began producing a radioactive material, which when injected intravenously is used to predict heart attacks. As a result of this work, heart specialists hope that in the near future similar material will help them predict which patients may be prone to coronary seizures, so that early definitive therapy can be initiated.

NRL is credited with innumerable firsts in the fields of communications and photographic techniques. Laboratory scientists taught the world how to communicate by shortwave, and produced the first scheduled radio broadcasts in the United States in 1925.

Laboratory ocean scientists located and photographed the hull of the sunken nuclear submarine *Thresher* in 1964 after the search efforts of maritime agencies proved unsuccessful. They were called on subsequently in similar search missions and successfully located the lost submarines *Scorpion* in 1968 and *Eurydice* in 1970.

NRL made a giant step forward in the area of oil pollution control at sea when in 1970 it demonstrated the first successful containment of an oil spill using a monomolecular surface film.



FAR LEFT, Josephus Daniels breaks ground for construction of the Naval Research Laboratory's first building in 1920. LEFT is the laboratory as it looked in 1923. ABOVE is the Fleet's first radar. Developed by NRL, its operational potential as demonstrated during Fleet exercises in 1939 brought about its widespread utilization, including the installation of the Model CXAM Radar on numerous Navy ships at the beginning of World War II.

Navy's Corporate Laboratory Today

The laboratory has grown from a handful of small buildings to a complex of specialized laboratories housed in some 150 buildings along the banks of the Potomac, with field stations located in Maryland, Florida, Virginia, and West Virginia.

Its research areas encompass electronics, materials and general sciences, space science and technology, and oceanology.

There are other research facilities in the Navy, but each is primarily concerned with a specific range of problems in a limited realm of naval technology. NRL, however, operates directly under the Chief of Naval Research, who reports to the Assistant Secretary of the Navy for Research and Development. This direct link fosters the most diversified research programs of any military or commercial laboratory.

The laboratory is often referred to as the Navy's corporate laboratory, an appellation confirming the fact that NRL not only performs basic research leading to future naval materials and systems, but it is also one of the major points of focus for R&D in the Nation—with far-reaching effects at every corner of the globe.

But to bring it all back down to size again, picture this. Somewhere within the Naval Research Laboratory complex there is a man or woman, a Government scientist, hard at work inventing a new resin that will change the way we live, or developing a new device to save another life. In a laboratory of worldwide renown, at 50 and one to grow on, in an age of awesome discoveries, it still begins here—with a single scientist or a small group, with their ideas and dreams, with the backing of a well-managed scientific organization where the managers put a premium on excellence and create a climate in which the inventive spirit may soar.

#

INTERGOVERNMENTAL PERSPECTIVES

On October 16, 1973, President Nixon sent Congress the first report of the Advisory Council on Intergovernmental Personnel Policy. Chartered under the Intergovernmental Personnel Act (IPA), the 15-member Council is headed by New York State Civil Service Commission President Ersa H. Poston, and includes elected public officials, career administrators from the Federal Government and State and local governments, educators, labor leaders, and public administration scholars from private life.

The Council was set up to study and recommend ways of strengthening State and local personnel administration, especially in programs where Federal grant money is involved.

The report calls for abolishing all administratively established Federal personnel requirements imposed on State and local government grantees, unless the U.S. Civil Service Commission should determine that any of them were still needed. Instead, a single Federal requirement would be established consisting of adherence to the six basic merit principles stated in the IPA, Hatch Act limitations on political activity, and the equal opportunity provisions of the Civil Rights Act of 1964.

The six IPA merit principles call for:

☐ Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills.

☐ Providing equitable and adequate compensation.

☐ Training employees to assure high-quality performance.

☐ Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

☐ Assuring fair treatment of applicants and employees in all aspects of personnel administration.

☐ Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

The new policy, which would be administered by the U.S. Civil Service Commission, would apply to all indefinite or long-duration Federal grants where substantial numbers of State or local employees were involved. Special revenue sharing would be included, but not general revenue sharing.

These are far-reaching recommendations which, if implemented, could have an enormous impact on administration of programs where Federal funds are involved. Because most State and local governments are Federal grant recipients, most jurisdictions eventually would be affected by the new policy. At present, most State and local grantees are not covered by a merit system requirement. The only personnel provisions, other than the Hatch Act and equal employment, having any broad degree of applicability to grant programs are the Commission-administered Federal merit system standards. These apply to 30-plus major grant programs, providing around $17.5 billion annually in Federal aid.

The new policy would be phased in gradually. Federal merit system standards would continue in effect in agencies where they now apply until effective administration of the new policy could be assured. A simplified approach to administering the new policy was recommended. Advance certification of compliance would be obtained from State or local chief executives, with post-audit by the USCSC.

—Morton Horvitz

HIDDEN NUGGETS IN CHAPTER 250

LIKE A MINER who accidentally discovers gold on his own property, individual Federal managers will discover that a wealth of information and practical guidance, as well as basic management objectives, can be gleaned from something available in their own backyards: the Federal Personnel Manual.

One of the Civil Service Commission's major goals this year is to assure that Federal managers understand and accept responsibility for maintaining a merit system. Despite the fact that they are the real personnel managers, some administrators have not taken the time to understand the system under which they operate. Many tend to view the merit system and the principles it reflects as restrictive and negative. The Federal Personnel Manual, which codifies the personnel management practices of the Federal Government, is also regarded in a negative sense by many.

Very few Federal employees, with the exception of a few personnel technicians and maybe a handful of ambitious new employees, actually look inside the multi-volume "bible." Personnel officers and technicians may refer to the FPM to make a point or find out what it is they can or cannot do, but few are eager to master the rules and regulations it outlines.

The General Manager and the Federal Personnel Manual

Managers need not know all the nitty-gritty of Federal personnel rules, regulations, instructions, and guidance enshrined in the FPM—but they should be familiar with the basics. And especially with their responsibilities for personnel management, as briefly spelled out in Chapter 250. Unfortunately, too many overlook it as a source of useful information to the detriment of good management. Administrators are quite right to consider the FPM as falling within the province of the personnel manager. Today it is becoming clear, however, that in order to see the real personnel manager, the general manager has only to look in the mirror, and Chapter 250 speaks directly to his needs.

Leafing through the 83 chapters of the Federal Personnel Manual may appear to be (and is) quite a task, and we're not really asking administrators to do this. But they should at least understand Chapter 250 because it speaks directly to managerial needs.

During this time of cynicism and lack of confidence in government, the Federal personnel manager is well advised to reexamine his responsibilities and the mission of his agency. Chapter 250 of the FPM lists the basic objectives of personnel management, and a reading of this chapter can assist the manager in understanding his own role a little better and in reexamining the merit system under which he operates.

Managerial excellence is at a premium today. It is the key to providing complex services to the public while keeping costs down and promoting efficiency. Personnel management, besides involving public funds, involves something considerably more precious—the rights of Federal employees as individuals.

Therefore, the Government manager's responsibility is really twofold: He is responsible for providing services to the public at large, and for the individual good of the people he supervises. This dual responsibility is reflected in the chapter's definition of personnel management as "the attraction, selection, motivation, leadership, understanding, and utilization of *people* as individual employees and as members of a work group in accomplishing the missions for which the employing organization is responsible."

Another Dimension

The responsibility of carrying out public policy adds a special dimension to Federal personnel management. This policy may be expressed in law, regulations having the effect of law, court decisions, Presidential directives, or tradition, as well as in the Constitution itself.

There is also a strong and continuing public interest in good personnel management in the Federal service. The public interest is served not only in the economic use of the taxpayer's dollar resulting from efficient ways of doing business, but also in the principles governing how people are hired, paid, trained, developed and

Rediscovering the FPM

by MARIE B. ROBEY
Office of Public Affairs
U.S. Civil Service Commission

utilized, promoted, and separated; in the standards of conduct they must meet as public employees; in the means by which equal employment opportunity is provided for all citizens; and in other considerations of how the Government gets its work done through people.

Chapter 250 succinctly summarizes this responsibility: "Personnel management in Government," it states, "must reflect the best traditions and highest aspirations of our democratic society—traditions and aspirations which maintain the dignity of the individual and enable him to participate meaningfully in establishing and achieving program objectives and goals."

The thoughtful manager realizes that the job of providing the best possible services to the public while attracting high-quality employees to the service is also a two-way street. The way in which a manager selects, motivates, develops, and advances people can have a major impact on the kind of Government system we have and the services we deliver. The reverse is also true—the system will encourage and attract a certain type of employee according to its demands of excellence and the challenges it offers.

The Message of Chapter 250

These objectives, outlined in Chapter 250, are indicative of the broad responsibilities of the Government manager to the public:

☐ To foster in managers, supervisors, and employees an attitude of responsive service to the public;

☐ To carry out pertinent public policy as expressed in laws, Executive orders, regulations, or otherwise; and

☐ To maintain the high reputation of the Federal Government as an employer and to contribute to constructive community relations in the localities where the Government is represented.

The merit system recognizes and stresses merit not only in the selection of the person but in his promotion and in his development. It recognizes the fact that people *do* make the difference, and that the work force of an agency determines how well it accomplishes its mission. The dedication of the work force to the public good determines the quality of work accomplished.

The manager's responsibility to the individual employees he supervises is included in such personnel management goals as these:

☐ To maintain a Federal public service of high competence and character.

☐ To provide a work environment that stimulates initiative, imagination, productivity, personal development, and cost consciousness.

☐ To utilize manpower resources wisely and economically.

☐ To treat employees, individually and in groups, equitably and fairly; to help them achieve personal satisfaction and pride in their work; and to enhance their opportunities for career advancement through training and utilization of their abilities.

The remaining objectives mentioned include contributing to the accomplishment of agency missions and programs, recognizing and dealing with union representatives in accordance with Federal policy, and preserving and nourishing the traditional values of the Federal civil service, including integrity, continuity, nonpartisanship, and merit.

Some laws and Executive orders place certain personnel management responsibilities directly with agency heads. In other cases the Civil Service Commission or another central agency has been given either statutory authority by the Congress or delegated authority by the President to establish standards and carry out numerous aspects of agency personnel management. To assist agencies in carrying out their management responsibilities, the Commission can redelegate, with appropriate standards and controls, the authority it has been given by statute or delegation.

No matter who has the responsibility, though—the Civil Service Commission or the agency head—a clear and ultimate responsibility for support of public personnel policy rests with the *agency head*. He, in turn, must delegate adequate personnel management authority and assign appropriate personnel man-

agement responsibilities to managers and supervisors at all levels of his agency.

Four-Part Responsibilities

The responsibilities of all four positions of authority—the agency head (as mentioned above), the manager, the firstline supervisor, and the personnel officer—are examined in Chapter 250. All are accountable for helping to achieve a better work force through better management.

Chapter 250 directs most of its comments to the *manager:* "The primary responsibility for the successful accomplishment of an agency's mission falls upon the manager," it states, and he "may be responsible for the management of the entire department or agency or he may be responsible for a subordinate unit or of a field activity."

The program decisions of the manager determine the kinds of skills that will be needed by the organization, as well as the actual number of people needed. The manager's administrative decisions concerning organizational structure, delegations of authority, work methods and flow also affect both the accomplishment of the agency's mission and the way manpower resources are used. Finally, specific personnel management decisions themselves—in such areas as labor relations, recruiting and selecting employees, training and development, motivation, and separating employees—determine the extent to which the personnel management objectives already mentioned are achieved. The manager must make countless decisions in these areas, keeping in mind the relationship of the agency to other Federal departments and agencies.

The *firstline supervisor* also has important personnel management responsibilities that lie in the area of person-to-person relationships occurring on the worksite, relationships that decisively affect employee morale and productivity. The supervisor implements the top manager's decisions at the working level, and accomplishes this by skill in communication, leadership, motivation, evaluation of performance, and human relations generally.

Besides dealing with employees in a fair and equitable manner, the supervisors' duties include keeping employees fully informed of their role in accomplishing the agency's mission, developing and motivating employees to reach their fullest potential, and making work assignments. He or she also is responsible for evaluating individual performance levels, and dealing in good faith and cooperation with local union leaders, shop stewards, and other representatives of the employees.

The *personnel officer*—a key member of the management team—represents the agency head in personnel matters, consults with him on personnel policy matters, develops, implements, and reviews the agency's personnel programs, and participates in all personnel management activities. "As a part of the management team, the appropriate personnel officer at each agency level has the basic responsibility of helping both managers and firstline supervisors carry out their personnel management responsibilities."

Accent on the Positive

One of the responsibilities of the manager is to develop a better relationship with employees. Recently a thorough study was undertaken of the Federal Personnel Manual and CSC policies and regulations that affect the scope of negotiations between Federal agencies and labor organizations. The conclusions of this study were that there is more room in the FPM for bargaining than management and unions previously assumed, and more personnel management practices should be determined through the bargaining process.

Language in the manual was often interpreted as mandatory when it actually was meant to be advisory. The "Scope of Bargaining Project," as this study was called, concluded that, wherever feasible, negotiability barriers in the FPM that are not required by law, Presidential order, merit principles, or other public interest factors should be removed or changed to guidance. Changes subsequently made in the FPM range from the areas of merit promotion and minimum charge of leave to incentive awards and performance rating appeals.

Certainly we must concede that our personnel system is not perfect —it is fragile and complex because it serves so many interests and must serve them in a balanced and fair way. Reexamining basic personnel management objectives contained in Chapter 250 of the FPM is a starting point not only for assessing the manager's responsibilities, but also for keeping the process properly attuned to the needs of the people.

The FPM may never make the best-seller lists, and it does not really compete with *Jonathan Livingston Seagull*. But it holds, and continues to hold a secure place in its specialized field, as authoritative as the *Boy Scout Handbook* to a Scout or *Robert's Rules of Order* to a parliamentarian.

The manager who knows the civil service system and who uses it intelligently will reap a considerable profit in employee respect, high morale, and quality performance. Knowing Chapter 250 of the Federal Personnel Manual is a good first step in this direction, and the administrator who reads it thoroughly will discover many nuggets of wisdom to reward his efforts.

#

RECRUITERS FORUM RECRUITERS FORUM

At least 20,000 people are employed every year as career interns throughout the Federal Government. What makes them career interns? Answer: that they are employed at grade *x* (which in most cases is GS-5 or GS-7), not primarily for the purpose of performing duties classifiable at grade *x*, but as a trainee, with the objective of advancing to the journeyman or full-performance level in one of the administrative, professional, or technological occupations.

Most are recent college graduates newly hired through such civil service examinations as Accountant and Auditor, Engineering and Physical Sciences, Agricultural and Biological Sciences, the Federal Service Entrance Examination, and the FSEE's Management Intern option. Others come from the ranks of current Federal employees, selected through upward mobility programs, administrative intern programs, and other merit promotion procedures.

Obviously, since they will be the specialists and the managers of tomorrow, effective development and utilization are vital to the future of their employing organizations and of the Government as a whole. This commonplace, moreover, acquires added force with each passing year as the missions of Government become more complex, more difficult, and more far reaching in their consequences for society.

The process is also a costly one. Resources of time, money, and facilities are invested, typically over a span of several years, in planning, recruitment, examination, placement, training, supervision, and program management, and although most interns are productive while learning, some part of their salaries also must be considered an investment. The human cost is important too —the investment made by the career interns of a portion of their lives.

The management of career intern programs is a complex and difficult business to carry on conscientiously. There are competing priorities in manpower planning (to what extent do you staff for the present and to what extent for future needs), in placement (whether career interns are to be placed where they can do the most good or where they can benefit most), and in work assignments (the urgent, in terms of workload, versus the important, in terms of the intern's development).

It is complex because many people are, or should be, involved: the career interns themselves, those with whom they work and from whom they learn, immediate supervisors, managers, key officials in the profession, staffing and training people, and top management.

Then, looking at career interns, both individually and as a group, where are they in relation to the goal? What skills, knowledges, and experience are needed? What do they already have that they will need? What do they already have that they can build on? How do they get from point A to point B? How do you select from a plethora of available courses, assignments, and other developmental experiences to orchestrate a developmental *program?* There are no easy answers and perhaps no such thing as correct answers. But there exist, in and available to every Federal agency, large helpings of understanding, wisdom, and judgmental ability to be tapped in coming up with *good* answers.

It is the purpose of a new chapter of the Federal Personnel Manual to establish the principle that each agency should do three things:

☐ Think through its needs for obtaining and developing career interns to meet present and future staffing needs in the administrative, professional, and technical occupations, and determine how it intends to meet these needs.

☐ Reduce the results of this analysis to written plans covering needs forecasting, staffing and recruitment, and intern development for career occupations.

☐ Provide full information, including copies of relevant plans, to each individual whose participation is involved.

FPM Chapter 361, "Career Intern Programs," gives particular emphasis to developmental plans, to providing career interns with copies, and to using the interns directly in the monitoring of their own developmental programs. Career interns should know what they can expect, as well as what will be expected of them. We should both permit and require that they bring to our attention any significant gaps or deviations from the plan, which they are in the best position to identify. They also have the most at stake in assuring that the agency's intentions are carried out.

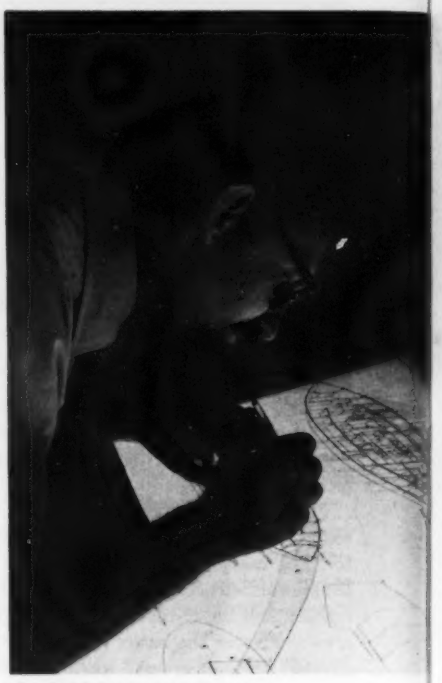
It is recognized that in some occupations and in some agencies most of the new requirements already are being met. We also realize that it will take time to build to the point where all career interns in all agencies are fully covered. Although recruiters are not the only ones involved, they do have a special interest in good career intern programs that can give them something to promise and help make the promises come true.

—Merle Junker

FACS

Improved Staffing Through Computer Application

by TERRY EVANS
Chief, FACS Control Unit
U.S. Civil Service Commission



SERIES 0800: Architecture and Engineering

THE PROBLEM of matching people and jobs has always challenged personnel offices and managers. As organizations grow, jobs become more specialized and the problem gets more acute. More and more staffing specialists are turning to computers for assistance.

Many Federal agencies already have automated skills inventories of their own employees, which they use in conjunction with their merit promotion procedures. In many instances, however, a lack of highly qualified people makes it necessary for agencies to look outside their activities for candidates. The Federal Automated Career System (FACS) is a Civil Service Commission program designed to assist agencies in meeting these staffing needs.

What Is FACS?

FACS is a centralized computer-based skills inventory covering career employees at certain key grade levels and in certain occupational groups. It is a system of identifying, through advanced computer techniques, persons possessing the qualifications required for filling specific job vacancies.

The Civil Service Commission has been working for a number of years to provide full staffing assistance to all Federal agencies. The Executive Assignment System satisfied this requirement at the GS-15 and supergrade levels, but a system also was needed to assist agencies in staffing key mid- and upper-level positions.

Early in 1971, a pilot FACS program was introduced. Coverage in this pilot program was limited to the personnel occupations in grades GS-11 through GS-14. The program proved successful and agencies requested that the Commission expand the coverage of this system.

During this same period, the Office of Management and Budget asked the Commission to establish a Government-wide locator file to foster career mobility and executive development within the Federal work force. As a result of agency and OMB requests, the Commission developed the current FACS program.

FACS is designed to meet the need to:

☐ Improve the quality of staffing by searching for qualified and available candidates from a broad manpower base.

☐ Enhance individual career development by placing an employee's qualifications, interests, and preferences at a single source, available to a wide range of potential Federal employers.

☐ Facilitate better use of the total manpower resource in Government by identifying available skills and knowledge through the application of computer techniques.

☐ Improve manpower planning by establishing a statistical base for analyses of the distribution of available skills in relation to current and projected needs.

Who Is Covered?

FACS includes all current Federal employees who are now serving or have previously served under competitive full-time career or career-conditional appointments in one of the occupations and grade levels shown below:

Job Series	*Occupation*
0200	Personnel Management and Industrial Relations—GS-11/14

SERIES 1100: Business and Industry

SERIES 0300: General Administration

SERIES 0500: Finance and Accounting

SERIES 1500: Mathematics and Statistics

FACS INCLUDES all Federal employees who are now serving or have previously served under competitive full-time career or career-conditional appointments in one of these occupations.

SERIES 0200: Personnel Management and Industrial Relations

0300 General Administration —GS-13 and GS-14

0500 Finance and Accounting —GS-13 and GS-14

0800 Architecture and Engineering—GS-13 and GS-14

1100 Business and Industry——GS-13 and GS-14

1500 Mathematics and Statistics—GS-13 and GS-14.

How FACS Operates

Why was FACS restricted to only these occupations and grades? Because, to have included all Federal occupations and grades in the mid- and upper-career levels would have required tremendous resources and time. So it was decided that FACS would be developed and implemented in stages. Initial coverage under FACS was limited to those occupational groupings that contain the broadest interagency spread of employees.

When a vacancy occurs, an authorized agency official may telephone the request to the FACS Control Unit, make a request by mail, or come to the FACS Desk in person. Usually all of the information about the request can be transmitted in a 5-minute telephone call.

Washington agency representatives however, are encouraged to come in person to the FACS Control Unit. If they are present when the search for candidates is executed, they can see the result and provide advice as to whether these search results are satisfactory or whether they should be modified or expanded. The results are usually ready for delivery during the next workday, giving an agency 24-hour service.

If an agency submits a request in writing, the request is processed on the day received. The requesting office is then notified the next workday that the list of qualified candidates is ready.

Whenever possible, the qualifications of at least 20 candidates are forwarded for each vacancy. A decoded printout of each person's record and a copy of the Experience Brief (a narrative description of each occupational experience submitted initially as part of the questionnaire) are provided with every request. This information gives an agency enough background to conduct its own evaluation of candidates and to narrow its consideration to those whom it considers to be the best qualified. If additional information is needed, the agency can then request it directly from the individual.

The Commission does not rate the qualifications of candidates, nor does it rank in any order the results of a search request. What is provided is a list, in Social Security number sequence, of the candidates who meet the agency's referral requirements. The requesting agency is then free to consider anyone from the referral list.

Agencies are asked to report selections made as a result of the referral. To keep this data-gathering procedure as simple as possible, a

checklist is provided on the reverse side of a cover letter included with each referral. Agencies are asked to complete this checklist and return it to the FACS Desk for statistical purposes.

System Characteristics

One of the major innovations made in the process of expanding the pilot FACS was to go to an on-line computer system. With the use of a terminal, it is possible to interact with the computer and get an almost instantaneous response as to the number of candidates whose backgrounds generally match an agency's requirements.

There are over 80 searchable fields or unique elements of information in an individual's record. These elements are grouped by identification information, current and prior work experience, personal preferences, education, training, and special qualifications. This allows FACS to be very detailed in its search requirements. In addition, the system permits combining any of these searchable fields in any logical sequence to obtain optimum results.

Records of only those individuals who have indicated an interest in a job change, have at least 1 year in their grade, and have been with their agency for at least 1 year are considered available for referral. Information on all other candidates is used for statistical analysis only. This assures that background information on eligible and interested candidates only is forwarded to the agencies for consideration.

There is another capability of the FACS program worthy of mention. An agency can restrict its search solely to individuals working within the agency. This is particularly beneficial to smaller agencies that do not have their own automated skills inventories.

TAPE DRIVES store and interpret data.

COMPUTER CONSOLE links operator and computer.

ONLINE COMPUTER system matches candidates with agency requirements. Operating tape and disc drives is Bill Peters, and at computer console are Karen Karnis and John Wilson, all of CSC.

DISC STORAGE DRIVE contains search information.

Personal and Practical Applications

Obviously, the most important part of the FACS program is the people whose résumés are in the file. These are the individuals who have taken their time to submit the requested information, many of whom hope this will provide them with greater job opportunities. In many instances, FACS *has* been of assistance.

Every week the records of more than 750 candidates are referred to agencies for consideration in filling positions located worldwide. A large number of these candidates are contacted directly by the recruiting agency for further information to determine their availability, and to arrange for an interview. If they are available and have the background necessary for the positions, the agency may select them for employment.

Sometimes, depending on their background, candidates may receive several inquiries from interested agencies. A good example of this is the case of the first reported selection from the expanded FACS—a

FACS TERMINAL links FACS Office with CSC computer system. Here Sandra Kopchik (l.) of the Justice Department checks request with CSC terminal operator Janice Ross.

Personnel Management Specialist at the Tariff Commission in Washington. As a result of filing with FACS, he received three inquiries within a 2-week period, and accepted an offer from the Civil Aeronautics Board.

FACS can be used not only as a convenient centralized source of candidates for filling a single vacancy, but also as a method of identifying large numbers of candidates for staffing new or expanding organizations. As an example, FACS recently assisted the Federal Energy Office, which was created to implement and administer the emergency fuel allocation program. Within a matter of a few days, the résumés of 233 candidates were referred to the agency for its consideration. Agency representatives stated that they were extremely pleased with the fast service and the quality of candidates referred to them.

Where Do We Go From Here?

After FACS has been operational for 1 year, an indepth evaluation will be made to determine what changes, if any, should be made. The current system can accommodate moderate changes without a major overhaul. Some of the alternatives that will be considered are these:

☐ Expansion of the grade coverage of those series already included in FACS.

☐ Expansion of the series coverage to include additional occupations.

☐ Or dropping some of the occupations now covered but not in demand by the agencies.

☐ An original program objective that will receive greater emphasis in the future is the use of FACS as a source of manpower planning statistics. Better use can be made of the total manpower resources in the Government by identifying available skills and knowledge. FACS will provide a statistical base for improved manpower planning through analyses of the distribution of available skills in relation to current and projected needs.

Another area under consideration is the increased use of FACS for purposes related to the Intergovernmental Personnel Act of 1970. Among other things, the Act authorizes the U.S. Civil Service Commission to provide technical assistance in personnel administration to State and local governments. Also, the Act authorizes the temporary assignment of Federal employees to State or local governments and institutions of higher education. FACS can identify candidates with an interest in these areas.

Staffing for a single vacancy or staffing for a new organization is made a lot simpler through use of computer systems such as FACS. The future of these systems, however, is directly dependent on agency response. For this reason, there will be continued efforts to encourage more and more use of the FACS system by Federal agencies.

Probably one of the most interesting aspects of the program is that many of the agencies that use the system come back again. It is hoped that fast service and quality of the candidates referred will encourage agencies to make even greater use of a system with such potential for meeting agency staffing needs. #

MONTANA GOVERNOR Thomas Judge congratulates Daniel Miller on his assignment as Montana State Classification Officer. Mr. Miller was selected from the FACS program for the 20-month assignment under IPA provisions.

The 2.8-million-record computerized Central Personnel Data File (CPDF) maintained on Federal employees by the Commission and used for the production of statistical reports on the Federal work force is in the final phases of expansion to support the Equal Employment Opportunity Act of 1972.

The basic CPDF contained 28 elements of data on each employee, most of which are those found on the Standard Form 50, "Notification of Personnel Action." This basic computerized file was built in early 1972 and became operational on July 1, 1972. Each month approximately 500,000 personnel transactions are processed against the master file to reflect the current status of employees.

When the EEO Act of 1972 was passed and new reporting requirements were placed upon the Commission by Congress and the Office of Management and Budget, it became apparent that additional data were needed to fulfill these requirements.

It was decided to collect these additional data in three stages—minority group designator data first, then educational and supervisory data, and finally training data. In addition to elements already contained in the CPDF, these were considered to be the data that most readily would enable us to identify how educational achievements and training were or were not being utilized to provide upward mobility opportunities for minority employees.

Since most agencies already had automated minority group designator files, the collection of minority status of each employee proved to be relatively easy and speedy.

The collection and processing of supervisory position data and educational data on 2.8 million employees presented a much more formidable task. The required data could be extracted from records maintained by the personnel offices, but often educational data were not kept current. Therefore, the procedures had to provide for collecting educational data from each individual.

In order to make the effort as easy as possible, a special questionnaire was developed that could be partially preprinted from magnetic-tape CPDF records, then entries made on the questionnaires by personnel offices and employees, and these entries transferred directly to magnetic tape through optical scanning. Agencies were given the option of using this questionnaire approach or submitting the data in magnetic tape form if it were available in their automated record.

Approximately 1.1 million questionnaires were distributed, from which 900,000 records have been created. An additional 1.4 million records were submitted by automated agencies. The data have now been entered into the file, and a supplementary data collection effort will be instituted early this year to improve employee coverage.

Finally, agencies were asked to submit data on all training provided for their employees in April, May, and June 1973, and quarterly after that. The initial 3-month submission served as material with which to test the Commission's computer programs and to ferret out errors made by submitting agencies so that they could modify their procedures prior to submitting the first regularly scheduled quarterly report covering July-September 1973. (These quarterly reports, beginning with the one for July-September 1973, will be used at the end of each fiscal year to prepare the statistical portion of the Annual Training Report.)

The expanded CPDF represents the largest single collection of data on Federal employees and, as such, is considered by the Commission as a repository of information entrusted to its keeping. Therefore, we have taken all appropriate measures to insure the privacy of the data in the file on any given individual and to protect the data. It is a statistical file, from which statistical data on the Federal work force is being derived to meet ever-increasing demands for timely and accurate manpower information.

Successful completion of a task of these proportions depended upon the use of modern technical capabilities, combined with the willing and conscientious effort of agency EEO staff; Federal employees; personnel, ADP, and training people; and Commission staff.

The rewards for this effort will come with the availability of a full range of personnel information to support the programs established in conformance with the EEO Act of 1972—information made available at minimum cost and with maximum efficiency. The expanded data will also have beneficial effects on other personnel management programs, particularly as they relate to employee development.

—A. R. Demarest

WORTH NOTING (CONT.)

film is available for preview from the Commission's central and regional offices.

☐ OPEN GOVERNMENT called for. CSC Chairman Robert E. Hampton told Government Information Officers meeting in Washington that the decline in public confidence in government presents "a major challenge to Government agencies and their public information offices to do a better job of stewardship reporting; and, above all, cries out for openness, truth, and candor." Noting that Government agencies are dependent upon the press to inform the public and increase public confidence, he called on the media to report the positive as well as the negative about government.

☐ IPA WRAP-UP. CSC's Bureau of Intergovernmental Personnel Programs chalked up the following totals for intergovernmental personnel activities during FY 1973:

- Grants-in-aid for personnel management improvements, training of State and local employees, and Government Service Fellowships—626 grant projects supported by $15 million in IPA funds.
- Intergovernmental mobility—471 temporary assignments of personnel between Federal agencies and States, local governments, and institutions of higher education. Total assignments from June 1971 through December 1973 were 1,167.
- Intergovernmental training—15,461 State and local employees trained by the U.S. Civil Service Commission in a variety of management curricula.
- Technical assistance—Civil Service Commission staff members conducted 45 reimbursable projects, 360 equal employment opportunity reviews in grant-aided agencies, and 59 qualitative evaluations. They also made more than 3,000 visits to State and local governments in implementing the Emergency Employment Act.
- Cooperative recruiting and examining —14 Intergovernmental Job Information Centers operated jointly by CSC and State and local governments; names of eligible applicants for Federal jobs made available to State and local governments.

These activities were conducted under authority of the Intergovernmental Personnel Act of 1970. The act is administered by CSC.

☐ IPA FUNDS allocated. CSC has allocated $10 million in IPA grant funds appropriated by Congress for FY 1974. Eighty percent of the funds are divided among States and the District of Columbia Government on the basis of population and public employees; the remainder is available to the Commission for special high-priority projects, Puerto Rico and the Territories, and nonprofit organizations that support training of State and local employees.

☐ SUITABILITY CHANGES proposed. CSC is considering comments from interested parties on proposed changes in Federal suitability policy. Suitability policy governs the disqualification of applicants and the removal of employees on the grounds of conduct. The proposed new policy would contain criteria for establishing a nexus or connection between an individual's conduct and performance on the job. Among the relevant factors proposed for consideration in applying the criteria are whether the individual's conduct would interfere with or prevent effective job performance and whether it would have an adverse effect on the agency's ability to discharge its responsibilities.

☐ NEW LEAVE RULES issued. CSC has issued regulations implementing the leave law approved by President Nixon December 14. The new law authorizes employees to take leave during their first 90 days of employment; repeals the limit on the amount of annual leave for which an employee may be paid at the time of separation; permits recrediting of annual leave lost due to work scheduling or illness; allows flexibility in repayment of excess leave granted through administrative error; permits payment to separated employees who lost leave through administrative error; and allows recredit or payment for leave lost while the employee was in a missing status on or after January 1, 1965. Details are spelled out in FPM Letter 630-22 of January 11, 1974.

☐ REVIEW AREAS chosen. The Federal Labor Relations Council has identified 23 areas that will serve as the central focus of its general review of the Federal labor-management program. The areas, selected from inputs from agencies, unions, and others, fall into 11 broad groupings:

- Specific categories of people under E.O. 11491—including management officials, confidential employees, professionals, guards, and attorneys.
- Supervisors—definition, associations, representation by unions in agency procedures.
- Recognition procedures—secret-ballot requirement for recognition, consolidation of existing units.
- Consolidation of units—policies of the order and its implementation.
- Scope of negotiation—impact of agency regulations, management rights, bargaining obligations.
- Grievance and arbitration procedures —exclusion of agency regulations, resolution of grievability-arbitrability questions.
- Approval of agreements—options for exercising agency head's review authority.
- Operation of third-party procedures —negotiability, investigation and prosecution of unfair-labor-practice charges.
- Impact of agreement expiration on dues withholding—alternatives for continuing dues deduction.
- Status of negotiated agreements during reorganization.
- Official time for negotiating.

Interested parties were invited to submit detailed position papers on these areas; the Council planned to hold hearings on them this spring. Any recommendations for change in the Executive order must go to the President for final action.

☐ NAF GUIDELINES issued. CSC has sent agencies detailed instructions for placing some 70,000 Federal blue-collar workers of nonappropriated fund (NAF) activities under the Federal-wide wage system established by Public Law 92-392. NAF wage employees are in the Department of Defense, the Department of Transportation (Coast Guard), and the Veterans Administration, and work in such activities as post exchanges, base recreational activities, and VA canteens. They were covered previously by a variety of pay systems.

☐ CSC STAFF CHANGES following end-of-year retirements include the appointments of Thomas A. Tinsley as director of the Bureau of Retirement, Insurance, and Occupational Health, succeeding Andrew E. Ruddock; Wendell G. Mickle as director of the Bureau of Recruiting and Examining, succeeding Ziv Remez; and David Caldwell as director of the Atlanta region, succeeding Hammond B. Smith. Robert Sperry is new deputy director of BRE; Gerald K. Hinch, new deputy director of the Philadelphia region.

—Tom Kell

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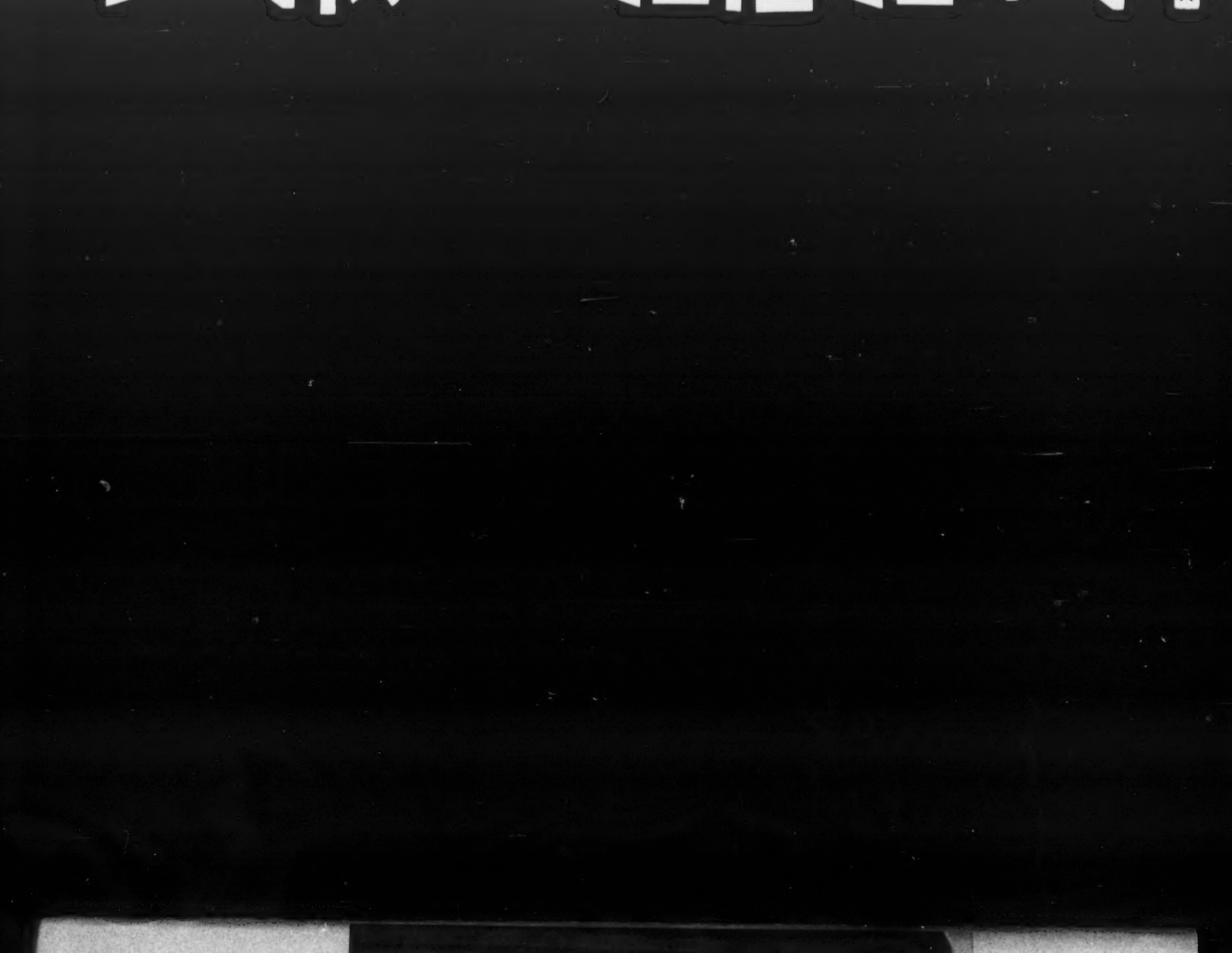
Civil Service Commissioners
(l. to r.) Jayne B. Spain, L. J. Andolsek, and Robert E. Hampton
welcome Vice President Ford to the
Commission's 91st anniversary awards ceremony.